

No. 83-1935

NOV 30 1984

ALEXANDER L. STEWAS,

In The
Supreme Court of the United States

October Term, 1984

— o —
TONY AND SUSAN ALAMO FOUNDATION,
TONY ALAMO, SUSAN ALAMO, AND
LARRY LAROCHE,

Petitioners,

vs.

RAYMOND J. DONOVAN,
SECRETARY OF LABOR,

Respondent.

— o —
On Writ Of Certiorari To The United States Court of
Appeals For The Eighth Circuit

— o —
JOINT APPENDIX
— o —

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SOLICITOR GENERAL
DEPARTMENT OF JUSTICE
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PETITIONERS

PETITION FOR CERTIORARI FILED MAY 25, 1984.
CERTIORARI GRANTED OCTOBER 15, 1984.

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RELEVANT DOCKET ENTRIES UP TO THE
FILING OF THE PETITION FOR WRIT OF
CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE EIGHTH CIRCUIT

Raymond J. Donovan, Secretary of Labor,
United States Department of Labor
v. Tony and Susan Alamo Foundation,
Tony Alamo, Susan Alamo, and Larry LaRouche

United States District Court for the
Western District of Arkansas No. CIV-77-2183

19 Dec 1977 Complaint filed
9 Jan 1978 Defendant's Motion for More Definite
Statement filed
11 Sep 1979 Order Denying Motion for More Definite
Statement filed
19 Nov 1979 Defendant's Motion to Dismiss filed
15 Jan 1980 Order Denying Motion to Dismiss filed
21 Jan 1980 Defendant's Answer filed
31 Jan 1980 Defendant's Answers to First Set of
Interrogatories filed
22 Feb 1980 Amendment to Defendant's Answers to
First Set of Interrogatories filed
19 Jan 1981 Plaintiff's Motion for a Preliminary
Injunction filed
26 Jan 1981 Response to and Motion to Dismiss
Plaintiff's Motion for a Preliminary
Injunction and Affidavit filed
30 Mar 1981 Preliminary Injunction filed
2 Apr 1981 Plaintiff's List of Defendant Employees filed

6 Apr 1981 Defendant's List of Volunteers or Associates and Defendant's List of Employees filed

22 Jul 1981 Motion to File Amended Answer, filed

24 Jul 1981 Ordder Granting Motion to File Amended Answer filed

6 Aug 1981 Defendant's Amendment of Answer filed

28 Apr 1982 Court trial begins

29 Apr 1982 Court trial continues

30 Apr 1982 Court trial continues, case submitted unless further discovery is desired. Parties to advise by 5/28/82 whether they desire to offer additional proof

13 Dec 1982 Memorandum and Order (dated 12/10/82) filed

23 Dec 1982 Defendant's Notice of Appeal filed

3 Jan 1983 Appellant's Designation of Record and Statement of Issues and Appellant's Order for Transcript filed

13 Jan 1983 Plaintiff's Motion for Clarification and Amendment of Memorandum Decision and for Entry of Judgment filed

21 Jan 1983 Defendant's-Appellant's Response to Plaintiff's Motion for Clarification and Amendment of Memorandum Decision and for Entry of Judgment

7 Feb 1983 Plaintiff's Designation of Additional Parts to be Included in the Record on Appeal and Objection to Defendant's Designation

9 Feb 1983 Order (Granting Plaintiff's Motion for Clarification and Amendment of Memorandum Decision)

9 Feb 1983 Judgment filed

9 Feb 1983 Plaintiff's Notice of Appeal filed

15 Mar 1983 Defendant's Revised Designation of Record filed

28 Mar 1983 Plaintiff's Supplemental Designation of the Record filed

29 Mar 1983 Designated Record (forwarded to Court Clerk of United States Court of Appeals for the Eighth Circuit, St. Louis)

United States Court of Appeals
for the Eighth Circuit

No. 82-2549 WA and 83-1463 WA

5 Dec 1983 Decision, United States Court of Appeals for the Eighth Circuit filed

27 Feb 1984 Order (of Amendment) entered

1 Mar 1984 Order (Denying Petitions for Rehearing) entered

12 Mar 1984 Order (Denying Motion to Stay Issuance Pending Certiorari Proceedings) dated

14 Mar 1984 Judgment dated (entered in the United States District Court for the Western District of Arkansas on March 14, 1984)

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

Civil Action
No. 77-2183

RAY MARSHALL, Secretary of Labor,
United States Department of Labor,

Plaintiff,

V.

TONY AND SUSAN ALAMO FOUNDATION,
TONY ALAMO,
SUSAN ALAMO, and
LARRY LAROCHE,

Defendants.

COMPLAINT

(Filed December 19, 1977)

Plaintiff, Ray Marshall, Secretary of Labor, United States Department of Labor, brings this action to enjoin defendants from violating the provisions of sections 15(a)(2), and 15(a)(5) of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. Sec. 201, et seq., hereinafter referred to as the Act, and to restrain said defendants from withholding payment of minimum wages and overtime compensation found by the court to be due employees under the Act.

I

Jurisdiction of this action is conferred upon the court by section 17 of the Act, 29 U.S.C. Sec. 217.

II

A. Defendant Tony and Susan Alamo Foundation is now and at all times hereinafter mentioned was, a California corporation with places of business and doing business in Crawford County, Arkansas, within the jurisdiction of this court.

B. Defendant Tony Alamo is a resident of Crawford County, Arkansas, within the jurisdiction of this court, where he is, and at all times hereinafter mentioned was, President and Treasurer of the defendant corporation and actively manages, supervises and directs the business affairs and operations of said corporation. He acts and has acted, directly or indirectly, in the interest of said corporation in relation to its employees and is therefore an employer of said employees within the meaning of the Act.

C. Defendant Susan Alamo is a resident of Crawford County, Arkansas, within the jurisdiction of this court, where she is, and at all times hereinafter mentioned was, Secretary of the defendant corporation and actively manages, supervises and directs the business affairs and operations of said corporation. She acts and has acted, directly or indirectly, in the interest of said corporation in relation to its employees and is therefore an employer of said employees within the meaning of the Act.

D. Defendant Larry LaRouche is a resident of Crawford County, Arkansas, within the jurisdiction of this court, where he is, and at all times hereinafter mentioned was, Vice-President of the defendant corporation and actively manages, supervises and directs the business affairs and operations of said corporation. He acts and has acted, directly or indirectly, in the interest of said cor-

poration in relation to its employees and is therefore an employer of said employees within the meaning of the Act.

III

At all times hereinafter mentioned, the defendant corporation has been an enterprise within the meaning of section 3(r) of the Act, 29 U.S.C. Sec. 203(r), in that it has been, through unified operation or common control, engaged in the performance of related activities for a common business purpose.

IV

At all times hereinafter mentioned, the defendant corporation has been an enterprise engaged in commerce or in the production of goods for commerce within the meaning of section 3(s)(1) of the Act, 29 U.S.C. Sec. 203(s)(1), in that said enterprise has had employees engaged in commerce, or in the production of goods for commerce, or employees handling, selling, or otherwise working on goods or materials that have been moved in or produced for commerce by any person and in that said enterprise has had and has an annual gross volume of sales made or business done of not less than \$250,000 (exclusive of excise taxes at the retail level which are separately stated).

V

During the period since at least January 1, 1975, defendants have violated and are violating the provisions of sections 6(b) and 15(a)(2) of the Act, 29 U.S.C. Sec. 206(b) and Sec. 215(a)(2), by paying employees employed in an enterprise engaged in commerce or in the production of goods for commerce, within the meaning of the Act as aforesaid, at rates less than \$2.00 per hour in 1975, \$2.20 per hour in 1976, and \$2.30 per hour since January 1, 1977.

VI

During the period since at least January 1, 1975, defendants have violated and are violating the provisions of sections 7(a) and 15(a)(2) of the Act, 29 U.S.C. Sec. 207(a) and Sec. 215(a)(2), by employing employees in an enterprise engaged in commerce or in the production of goods for commerce within the meaning of the Act as aforesaid, for workweeks longer than forty hours without compensating such employees for their employment in excess of forty hours per week at rates not less than one and one-half times the regular rates at which they were employed.

VII

As a result of the aforesaid violations of the Act, minimum wages and overtime compensation have been unlawfully withheld by the defendants from their employees.

VIII

During the period since at least January 1, 1975, defendants, employers subject to certain provisions of the Act, have violated the provisions of sections 11(c) and 15(a)(5) of the Act, 29 U.S.C. Sec. 211(c) and Sec. 215(a)(5), in that they have failed to make, keep and preserve adequate and accurate records of their employees and of the wages, hours, and other conditions and practices of employment maintained by them as prescribed by the regulations of the Administrator issued pursuant to sections 11(c) and 15(a)(5) of the Act, 29 U.S.C. Sec. 211(c) and Sec. 215(a)(5), and found in Title 29, Chapter VI, Code of Federal Regulations, Part 516 in that defendants' records fail to show, among other things, the hours

worked each day and the total hours worked each work-week by many of their employees.

IX

Defendants have violated the Act as hereinabove alleged. A judgment enjoining the violations hereinabove alleged and restraining the withholding of minimum wages and overtime compensation found to be due defendants' employees is specifically authorized by section 17 of the Act, 29 U.S.C. Sec. 217.

WHEREFORE, cause having been shown, plaintiff prays for judgment permanently enjoining defendants, their agents, servants, employees and all those persons in active concert or participation with them from violating the provisions of sections 15(a)(2) and 15(a)(5) of the Act, 29 U.S.C. §§ 215(a)(2) and 215(a)(5), and such other and further relief as may be necessary and appropriate, including the restraint of withholding of payment of minimum wages and overtime compensation found by the court to be due employees under the Act together with interest thereon at the rate of nine percent per annum from the date such back wages became due until paid, and costs of this action.

Carin Ann Clauss
Solicitor of Labor

Ronald M. Gaswirth
Regional Solicitor

William E. Everheart
Counsel for Employment
Standards

By:

/s/ Robert A. Fitz
Attorney

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Secretary of Labor, United
States Department of Labor,
Plaintiff

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IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

CASE NO. 77-2183

RAY MARSHALL, Secretary of Labor,
United States Department of Labor

Plaintiff

vs.

TONY AND SUSAN ALAMO FOUNDATION
TONY ALAMO, SUSAN ALAMO, AND
LARRY LAROCHE,

Defendants

ANSWER

(Filed January 21, 1980)

Comes now the Defendants and for their Answer to the Plaintiff's Complaint herein denies generally and specifically each and every and all of the allegations set forth

in said Complaint except so much of the same as may hereinafter be specifically admitted and require the Plaintiff to present strict proof of such allegations.

I

FOR A FIRST, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE to the Complaint, the Defendants allege that by Plaintiff's failure to name any employee for which Plaintiff allegedly represents as a party plaintiff to this action or otherwise name them as provided by law, and by Plaintiff's failure to secure written consents of any such employee as required by 29 U.S.C.A. sec. 216(b) [Fair Labor Standards Act], this action is not considered commenced in the case of any individual claimant for whom the Plaintiff is allegedly bringing this lawsuit, and thus this Court has no jurisdiction over the subject matter and parties of this alleged cause of action to the extent that said Complaint prays for the recovery of back wages allegedly owed the "employees" of the Defendants.

II

FOR A SECOND, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE to the Complaint, the Defendants allege that the alleged action set forth in said Complaint is barred by the Statute of Limitations, which limits this purported cause of action for unpaid minimum wages and unpaid overtime compensation to two years after the alleged cause of action accrued.

III

FOR A THIRD, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE to the Complaint, the Defendants allege that said Complaint fails to state a claim against the Defendants upon which relief can be granted.

IV

FOR A FOURTH, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE to the Complaint, the Defendants allege that this lawsuit is a further example of the Plaintiff's application of the Fair Labor Standards Act in such a wilfully unequal and oppressive manner as to amount to a denial of the Government of that equal protection of the laws which is secured to the Defendants, as to all other persons, by the Constitution of the United States.

V

FOR A FIFTH, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE to the Complaint the Defendants allege that the Fair Labor Standards Act as applied to the Defendant is illegal, unconstitutional, and void in that it is contrary to the free exercise of religion clause of the First Amendment to the Constitution of the United States.

VI

FOR A SIXTH, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE to the Complaint the Defendants allege that the Fair Labor Standards Act on its face suggests potentially unconstitutional applications to persons who are citizens of the United States and who are exercising their religious beliefs guaranteed to them by the First Amendment to the Constitution of the United States and consequently, that to the Defendants' harm, this Act creates a chilling effect upon constitutionally protected religious activity and thus is unconstitutionally overbroad under the aforesaid Amendment.

WHEREFORE, Defendants pray judgment that the Complaint be dismissed, that Defendants have their costs incurred herein, and for such other and further relief as to the Court may seem just.

Tony and Susan Alamo Foundation,
Tony Alamo, Susan Alamo, and
Larry LaRouche
Defendants

Gean, Gean & Gean
Attorneys for Defendants
600 First Federal Building
Fort Smith, Arkansas 72901
By /s/ Roy Gean, Jr.

CERTIFICATE OF MAILING

I certify that I have mailed a true copy of the above and foregoing Answer to Mr. Robert A. Fitz, Office of the Solicitor, U.S. Department of Labor, 55 Griffin Square—Suite 501, Dallas, Texas, 75202, attorney of record for the plaintiff, on this 21st day of January, 1980.

/s/ Roy Gean, Jr.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

Civil Action File NO. 77-2183

RAY MARSHALL, Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

TONY AND SUSAN ALAMO FOUNDATION,
et al.,

Defendant.

DEFENDANT'S ANSWERS TO FIRST SET OF INTERROGATORIES TO DEFENDANT

(Filed January 31, 1980)

Comes now the Defendant, Tony and Susan Alamo Foundation, and for its Answers to Plaintiff's First Set of Interrogatories to Defendant, alleges and states:

• • •

INTERROGATORY NO. 12: For each place of business Tony and Susan Alamo Foundation has owned or operated since January 1, 1975, please state:

(a) the trade name of such place of business (such as, Alamo Restaurant),

(b) the type of business conducted at such place of business (such as, restaurant),

(c) the street address of such place of business (such as, United States Highway 71, Alma, Arkansas),

(d) The period of time it owned or operated such place of business (such as, January 1, 1975 to present), and,

(e) for each person in charge of such place of business, his name, last known address, the occupation in which he was employed, and the period of time he was in charge of such place of business.

ANSWER: See below.

12 (a):	12 (b):	12 (c):	12 (d):
Alamo Restaurant	restaurant	Hwy. 71 No. Alma, AR	10/21/75-present
Alamo Kerr McGee	service station	Hwy. 71 No. Alma, AR	7/ 7/75-present
Alamo DX	service station	Hwy. 71 No. Alma, AR	7/29/75-present
Alamo Auto Repair	vehicle repair	Hwy. 71 No. Alma, AR	6/ 1/77-present
Alamo Discount Grocery	grocery store	Hwy. 71 No. Alma, AR	7/ 5/76-present
Alamo of Nashville in Alma	clothing store	Hwy. 71 No. Alma, AR	3/13/76-present
Alamo Ready Mix	ready-mix	Hwy. 64 Alma, AR	7/ 1/79-present
Alamo Bandito	clothing store	Hwy. 71 No. Alma, AR	4/2/76 to 5/30/78
Alamo Exxon	gas station	Sierra Hwy, and Friendly Valley Rd., Saugus, CA	10/27/73 to 5/6/76
Alamo Record Company	producing and selling of records	P.O. Box 398 Alma AR	6/ 1/71-present
Alamo of Nashville	clothing	325 Broadway Nashville, TN	9/ 1/74-present
Nashville Today Distribution	buy and sell personal property	P.O. Box 24509 Nashville, TN	10/15/74-present
Tennessee Boy Distribution	buy and sell personal property	P.O. Box 24509 Nashville, TN	10/15/74-present
Fort Smith Mobile Nursery	nursery	Hwy. 71 No. Alma, AR	4/10/75-present
Alamo Shoppers Emporium	bldg. materials	Alma, AR	6/15/75-present
Alamo Candy Company	candy sales	Alma, AR	2/21/76-present
Alamo Construction	construction	Alma, AR	1/ 5/77-present
Alamo Telegraph	western union	Alma, AR	3/14/77-present

Answer to Interrogatory No. 12 (cont.)

12 (a):	12 (b):	12 (c):	12 (d):
Alamo Freight	freight-trucking	Alma, AR	5/10/78-present
North American Leasing	leasing	Alma, AR	10/20/78-present
South West Business Management	record keeping	Alma, AR	1/20/78-present
Tempe Towers	motel	2010 E. Apache Tempe, Arizona	3/15/79-present
Bosco Feed and Farm Equipment	feed and farm supply	Alma, AR	6/27/79-present
Hartford Advertising	advertising	Alma, AR	1/ 5/71-present
Alamo Farms	hog farm	Alma, AR	6/27/79-present

Answer to 12(e): Tony Alamo, P.O. Box 398, Alma, Arkansas 72921, since the inception of the Tony and Susan Alamo Foundation.

DATED this 31st day of January, 1980.

TONY AND SUSAN ALAMO FOUNDATION

By /s/ Tony Alamo
TONY ALAMO, President

STATE OF ARKANSAS)
) SS
COUNTY OF SEBASTIAN)

Subscribed and sworn to before me, a Notary Public, this 31st day of January, 1980.

/s/ Nina Dell Williams
Notary Public

My Commission expires:
August 22, 1981

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

Civil Action File No. 77-2183

RAY MARSHALL, Secretary of Labor
United States Department of Labor,

Plaintiff,

v.

TONY AND SUSAN ALAMO FOUNDATION,
et al.,

Defendant.

AMENDMENT TO DEFENDANT'S ANSWERS TO
FIRST SET OF INTERROGATORIES
TO DEFENDANT

(Filed February 22, 1980)

Comes now the defendant, Tony and Susan Alamo Foundation, and for its Amendment to its Answers to Plaintiff's First Set of Interrogatories amends its Answers to include the following:

12 (a):	12 (b):	12 (c):	12 (d):
Alamo Electric	electrical construction	Alma, AR	9/21/79-present
Alamo Expert Roofing	construction and roofing materials	Alma, AR	9/25/79-present
Alamo Land Development	Real Estate Investments & sales	Alma, AR	9/21/79-present
Alamo Packing	Packing & storage	Alma, AR	9/21/79-present
Alamo Plumbing	plumbing	Alma, AR	9/21/79-present
Alamo Quarries	sand and gravel	Alma, AR	9/21/79-present
Holiness Tabernacle School	school	Alma, AR	8/20/79-present

II

All other words, figures and allegations of defendant's original Answers to Plaintiff's First Set of Interrogatories shall remain as originally filed except as are amended by this instrument.

DATED this 21 day of February, 1980.

TONY AND SUSAN ALAMO FOUNDATION

By /s/ Tony Alamo
TONY ALAMO, President

STATE OF ARKANSAS)
) SS
COUNTY OF SEBASTIAN)

Subscribed and sworn to before me, a Notary Public,
on this 21 day of February, 1980.

/s/ Nina Dell Williams
Notary Public

My Commission expires:
August 22, 1981

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

Civil Action File
No. 77-2183

RAY MARSHALL, Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

TONY AND SUSAN ALAMO FOUNDATION, et al.,
Defendants.

PRELIMINARY INJUNCTION
(Filed March 30, 1981)

Plaintiff's motion for a preliminary injunction having come on for consideration, and it appearing to the court that (a) defendants have failed to make, keep and preserve adequate records of the wages, hours and other working conditions and practices of the persons whom defendants contend are volunteers and whom plaintiff contends are employees of defendants, (b) plaintiff has a substan-

tial probability of success at trial on the merits, (c) the failure of defendants to make, keep and preserve adequate records of the wages, hours and other working conditions and practices of the persons whom defendants contend are volunteers and whom plaintiff contends are employees of defendants has resulted in and will continue to result in irreparable injury to plaintiff, *Mitchell v. Mormando Bros. Co.*, 134 F.Supp. 707, 709 (S.D. N.Y. 1955), and (d) in a case such as this, it is self-evident that the public interest will be promoted by the District Court taking the steps necessary to prevent violations of the record keeping provisions of the Fair Labor Standards Act (hereinafter referred to as the Act) when they are about to occur or to prevent their continuance after they have begun, *Walling v. Brooklyn Braid Co.*, 152 F.2d 938, 940-941 (2 C.A. 1945); it is therefore

ORDERED that defendants and their officers, agents, servants, employees and those persons in active concert or participation with them be, and hereby are, enjoined and restrained temporarily pending the entry of a final judgment herein from violating the recordkeeping provisions of sections 11(c) and 15(a)(5) of the Act (29 U.S.C. §§ 211(c) and 215(a)(5)) by failing to make, keep and preserve adequate and accurate records of the persons whom defendants contend are volunteers and whom plaintiff contends are employees of defendants; which records are required to be made, kept and preserved by section 11(c) of the Act (29 U.S.C. § 211 (c)) and are specified in the Code of Federal Regulations, Title 29, Part 516; and it is further

ORDERED that the United States Marshall shall serve separate copies of this preliminary injunction upon each of the four defendants.

DATED this 27 day of March, 1981.

/s/ William R. Overton
United States District Judge

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

Civil No. 77-2183

RAYMOND J. DONOVAN, Secretary of Labor,
United States Department of Labor,
Plaintiff,

v.

TONY AND SUSAN ALAMO FOUNDATION, et al.,
Defendants.

DEFENDANTS' LIST OF VOLUNTEERS OR ASSOCI-
ATES AND DEFENDANTS' LIST OF EMPLOYEES

(Filed April 6, 1981)

The defendants list as attached "Exhibit A" the names of the volunteers or associates of the Foundation and attach as "Exhibit B" the list of the employees, showing their hours worked and payments made to the employees for wages. [Exhibit B not included herein]

Tony and Susan Alamo Foundation,
Tony Alamo, Susan Alamo and
Larry LaRouche
Defendants

Gean, Gean & Gean
Attorneys for Defendants
500 First Federal Bldg.
Fort Smith, Arkansas 72901

By Roy Gean, Jr.

CERTIFICATE

I certify that I mailed a true copy of the above and foregoing Defendants' List of Volunteers or Associates and Defendants' List of Employees to Mr. Robert A. Fitz, U. S. Department of Labor, Office of the Solicitor, 555 Griffin Square Building, Suite 501, Dallas, Texas, 75202, attorney of record for the plaintiff, on this 6th day of April, 1981.

By Roy Gean, Jr.

"EXHIBIT A"

NAME	NAME
Achey, Gerald R.	Clark, George Alford
Achey, Kathleen (Gardea)	Curry, Dorothy (Singley)
Anderson, Adrian	Curry, Bill
Anderson, Eschol	Danaher, Gary Joseph
Arauz, Ray	Decker, Joan (Assaly)
Archambault, Marc	Decker, Ronald Barry
Avila, Vose Filepe	Depuy, Herbert Thomas
Avila, Becky (Thompson)	Duffield William M.
Balsley, Robert	Durning, Scott Charles
Balsley, Susan (Moran)	Edwards, Josephine
Beck, Don Walter	Elmore, Ann (Levin)
Bennetti, Angelo	Elmore, Michael
Blackmon, Joseph	Elmore, Roderick
Borek, Michael Ralph	Farr, Terry Robert
Borek, Shelly (Lombardo)	Farmer, Bernadette Edith
Borkevec, Danny I.	Fisher, David Joseph
Brawner, June	Frankiewicz, Theadore
	Wayne
Brawner, Ken	Franskiewicz, Varina
	(Drake)
Braziller, Ed	French, Thomas Wortley
Calagna, Anthony	Funmaker, Mona

NAME

Calagna, Barbara (Wood)
 Carson, Danny Lee
 Cochran, Dolores (Saniger)
 Cochran, Harvey Lee
 Critelli, James Roger
 Cummins, Allan Reynard
 Cunneen, Mark F.
 Cunneen, Myra (Funmaker)
 Gorbea, Tee Anthony
 Gorbea, Pamela
 (Zimmerman)
 Gonzales, Patty
 Gonzales, Tee Anthony
 Greiner, Claudia (Kinney)
 Greiner, Mark Anthony
 Griffin, Ann (Johnson)
 Griffin, James Neal
 Giroux, Peter Leo
 Giroux, Susan (Little)
 Hallet, Gary Todd
 Harris, Ernie
 Harris, Patricia (Decker)
 Herrero, Frank Robert
 Herrero, Valerie (Escalona)
 Herriot, Patrick Noel
 Herriot, Vicky (Hail)
 Hickman, Don
 Hopkins, Jon R.
 Horvath, Diane (Tamborski)
 Horvath, Steven Charles
 Howard, Gregory V.
 Howard, Martin Lawrence
 Howard, Mary Jane (Coffey)
 Hudnall, Leslie (Benavidez)
 Húdnall, Tommy
 Hunt, Jim

NAME

Gallimore, Lloyd Roger
 Gamez, Bev (Peters)
 Gamez, Francisco Javier
 Garner, Jackie Ray
 Garris, Dalen Burnel
 Garris, Cindy (McKenzie)
 Giroux, Raymond Bernard
 Gonzales, Mario Xavier
 Hunt, Linda (Neswald)

 Johnson, Al Quenton
 Jones, David Patrick
 Jones, Shirley (Dewell)
 Jordan, Vernon James
 Kaffen, Norman
 Keil, John
 Kellogg, Claudia
 Kelly, Nanette (Joyner)
 Kelly, Keith Albert
 Kenworthy, John Robert
 King, Timothy Steven
 Koelzer
 Krantz, Bert Ralph
 Kunkel, Diane
 Kurtz, Roger M.
 Levy, Ina (Beaber)
 Levy, William Arnold
 Lovelette, Stephen Benjamin
 Lowe, Michael
 Levine, Shimon Harold
 Lamberson, Jim Everett
 Larison, Gary A.
 Larison, Victoria (Voakes)
 Lehman, Peter L.
 Lerma, Oscar Luis
 Mack, Edward Thomas

NAME

Mann, Ian
 Mann, Ann (Roudolph)
 Marhuenda, Marcel Antoine
 Mick, Ed
 Mick, Sharon (Baldrige)
 Miller, Robert Alan
 Miller, Susan (Mc Elroy)
 Morganflash, Gary
 Morganflash, Mary
 (Williams)
 McClelland, Cheryl Ann
 McClelland, Richard
 McInnis, Jerry Wayne
 Nash, Gary
 Ondrisek, Debra Ann
 (Tanner)
 Ondrisek, Richard Frank
 Orlando, Joseph Stephen
 Orlando, Lenore (Hedlund)
 Overmeyer, Nancy Jo
 (Norman)
 Overmeyer, Robert Allen
 Payne, Neill Hunter
 Pini, Barbara (Ciaverelli)
 Pini, Steven Michael
 Powell, Debra (Saniger)
 Powell, Robert Lee
 Pryor, Carolyn A. (Travis)
 Pryor, William Ronald
 Penman, Lisa C.
 Suihkunen, Carol (Lukas)
 Sutton, Charles Thomas
 Sweat, Jean (Pucket)
 Sweat, Robert Earl
 Swimmer, Joel
 Szymiski, Dennis Anthony

NAME

Randall, John David
 Reid, Alphonso
 Reid, Cynthia (Fitzpatrick)
 Romero, Anna M.
 Romero, Ernesto Cesena
 Romero, Maurilia
 (Cervantes)
 Romero, Ernest Jr.
 Rubringer, Brian

 Sadler, Andrew Alan
 Scarcello, Piper (Craddock)
 Scarcello, Thomas
 Schroeder, Randy
 Scruggs, John Howard

 Seps, Lawrence S.
 Seps, Sheva (Zeil)
 Shapiro, Daniel Bruce
 Shapiro, Judith (Doctor)
 Silverman, Michael James
 Sivak, Emil
 Smith, Donald
 Sorenson, Frederick George
 Stanton, Marty F.
 Stile, Connie
 Stoeckel, Mike
 Stoeckel, Sherry
 Streit, Robert John
 Suihkonen, Rodger
 Way, Simon James Lucian
 Wedel, Steven Robert
 White, Sandford Carl
 White, Terri (Thompson)
 Whitman, Elaine
 (Cunningham)
 Whitman, John
 Willis, Leon Harrison, Jr.

NAME

Tagmeyer, Jim A.
 Takesian, Dolores
 Vallejos, Ronnie M.
 Vallejos, Suzanne
 Vincent, Connie (Jones)
 Vincent, Gilbert Joseph
 Way, Janet (Puff)

 Aburto, Chuy
 Bell, Theodore J.
 Brooks, Charles
 Brown, David Michael
 Bulter, Ralph
 Danaher, Cindy (Drake)
 Dicola, Louis Anthony
 Harrington, Curtis David
 Haynes, Barry William
 Howell, James Randy
 Hitchener, Robert Steven
 H'Lepe, Garth Johnny
 Lakofka, Bruce
 Landgarten, Marc Stuart
 LaRoche, Lawrence Michael
 LaRoche, Rebecca Louise
 Miller, Carey Lee
 Miller, Carol (Daniele)
 Newton, Roberta
 (Beardsley)

 Alford, Thomas, N.
 Allen, Carol (Stubbs)
 Allen, Edwin Ray
 Anderson, Alan C.
 Arcand, Bill Henry
 Askey, David George
 Beardsley, Bart
 Berglund, Roger Owen

NAME

Witter, Dennis
 Wolf, Donn W.
 Wolfley, Katheline Sue
 Wright, Jerry Lee
 Walker, Lynda (Mason)
 Walker, Robert James
 Youtsey, Bradley Charles

 Newton, Fred L.
 Olson, Terry Elton
 Parks, Brenda
 Partosan, Russell Len
 Pendleton, Douglas Joseph
 Pepiton, Kenneth L.
 Primous, Charlena
 (McDaniel)
 Primous, Syl L.
 Richardson, James Edward
 Riddle, Andre
 Riddle, Andrew Bryan, III
 Risha, Ed George
 Schafer, Fred Jay
 Schafer, Ginger (Smith)
 Scheff, David Adlai
 Sparks, Gay Nell
 Sparks, Paul W.
 Sprinkle, Randal Allan
 Sweat, Don Ray

 Gilbert, Chuck Robert
 Griffin, George Levent
 Gunnip, Patrick Conrad
 Hart, John Alfredy
 Hersey, Phillip Winslow
 Hodson, Jeff L.
 Hustus, Albert
 Jackson, James Lee

NAME

Bevan, Paul Michael
 Bolden, William Harvy
 Bonney, Righard Edwin
 Brubach, Douglas Graig
 Carpenas, Ontario Salazar
 Coates, David
 Cole, Roger Arthur
 Coulter, Robert William
 Cupka, Jack J.
 Davis, Donald Arthur
 Deboer, Arle Kurt
 Dickerson, Gilbert L.
 Dupre, James
 Durham, Stanley Craig
 Ecelbarger, Richard Wade II
 Edwards, Ben
 Espinosa, Rosendo
 Cristobal
 Fazzalaro, Frank Francis
 Fryer, Thomas Wortley
 Funmaker, Sherman James
 Gibbons, Dale Lee
 Pochatko, Peter George
 Pochatko, Rose Mary
 (Jonas)
 Reza, Pedro G.
 Reyes, Victor Hugo
 Roby, Keith Douglas
 Romero, Richard Anthony
 Rutledge, Larry Edward
 Saniger, Robert J.
 Schmitz, Allen Michael
 Smith, Thomas Vernon
 Stessl, James Carl
 Stone, James Garnest
 Testa, Robert James

NAME

Jacobsmeier, James Grant
 Keller, John C.
 King, Lee
 Krivda, Ronald Joseph
 Kurecki, Steven A.
 Limas, Joe V.
 Lavender, Bill Lee
 Mac Gregor, Gordan
 Miller, Richard
 Minnabarriet, Daryl
 Mironenko, John
 Monroe, Arthur Lee, Jr.
 Morales, Fermin
 McCarthy, James F.
 McCarthy, Roy
 O'Brian, Robert M.
 Parrish, William K., Jr.
 Patterson, Greg Alan
 Payne, Marvin Marion
 Pedro, Nick Robert
 Plaistowe, William Charles
 Thorne, Don Nolton
 Tiner, Richey Lee
 Travis, Anthony
 Trefry, Frank Harold, Jr.
 Vaataja, Tuomo Aulis
 Venegas, Mario
 Waller, Gary Eugene
 Waller, Ila (Funmaker)
 Watson, Anthony
 Watson, Paul M.
 Wheeler, Bradley W.
 Willis, Lydia
 Willis, Ruth
 Wood, John Anthony

UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF ARKANSAS
 FORT SMITH DIVISION

77-2183

RAYMOND J. DONOVAN, Secretary of Labor,
 United States Department of Labor,
 Plaintiff

vs.

TONY and SUSAN ALAMO FOUNDATION, et al.,
 Defendants

AMENDMENT OF ANSWER

(Filed August 6, 1981)

Come now the defendants, and each of them, with leave of Court, and pursuant to Rule 15 of the Federal Rules of Civil Procedure, amend their Answer herein filed on January 21, 1980, by adding the following affirmative defenses to their Answer to the Complaint filed in the above styled cause:

FOR A SEVENTH, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE to the Complaint the defendants allege that the defendants' associates ("employees" as alleged by the plaintiff) and their activities are exempt under sections 206 and/or 207 of the Fair Labor Standards Act by reason of 29 U.S.C.A. § 213(a)(1) executive, administrative, professional capacity, or capacity of outside salesman, (a)(2) retail or service establishment, (a)(3) religious or nonprofit educational conference center, (a)(4) retail establishment, (a)(6) agriculture, (a)(7) learners, apprentices, students, and handicapped workers, (a)(8) publications, (a)(15) companionship services,

(b)(10)(A) salesman, partsman or mechanic, etc., (b)(5) outside buyer of poultry, etc., (b)(11) driver, driver's helper, (b)(12) agriculture maintenance of ditches, canals, reservoirs or waterways, (b)(13) agriculture, (b)(16) transportation and preparation for transportation of fruits and vegetables, etc., (b)(21) domestic service, (b)(28) planting or tending trees, etc., and 29 U.S.C.A. § 214, learners, apprentices, students and handicapped workers. That defendants reserve the right to further plead in regard to this exemption defense and will so plead with particularity upon receipt of the answers to the interrogatory propounded to the plaintiff in connection with this Amendment.

FOR AN EIGHTH, SEPARATE AND DISTINCT AFFIRMATIVE DEFENSE to the Complaint the defendants allege that should it be found that the Fair Labor Standards Act applies, defendants are entitled to a credit for the reasonable cost of furnishing the associates allegedly represented by the plaintiff with board, lodging, clothing, other facilities, medical and dental benefits and other benefits.

All other words, figures, allegations and statements set forth in the Defendants' Answer filed herein shall remain as originally filed.

WHEREFORE, defendants pray judgment that the Complaint be dismissed, that defendants have their costs incurred herein, and for such other and further relief which the Court finds proper and just.

Tony and Susan Alamo Foundation,
Tony Alamo, Susan Alamo and
Larry LaRouche—Defendants

Gean, Gean & Gean
Attorneys for Defendants
500 First Federal Building
Fort Smith, Arkansas 72901

By /s/ Roy Gean, Jr.

CERTIFICATE OF SERVICE

I, Roy Gean, Jr., the undersigned, certify that I have served a copy of the foregoing Amendment of Answer upon the plaintiffs in this action by mailing a copy to Mr. Robert A. Fitz, U. S. Department of Labor, Office of the Solicitor, 555 Griffin Square Building, Dallas, Texas 75201, on this 6 day of April, 1981.

/s/ Roy Gean, Jr.

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

NO. CIV 77-2183

RAYMOND J. DONOVAN, SECRETARY OF
LABOR, UNITED STATES DEPARTMENT
OF LABOR

Plaintiff

VS.

TONY AND SUSAN ALAMO FOUNDATION,
TONY ALAMO, SUSAN ALAMO, AND
LARRY LAROUCHE

Defendants

MEMORANDUM AND ORDER

BEFORE:

THE HONORABLE WILLIAM R. OVERTON

Dated December 10, 1982, and
entered December 13, 1982

[See Appendix A, page 1-40,
of Petition for Writ of Certiorari
to the United State Court of Appeals
for the Eighth Circuit, herein docketed
in the United States Supreme Court on
May 25, 1984, as Case No. 83-1935.]

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

NO. CIV 77-2183

RAYMOND J. DONOVAN, SECRETARY OF
LABOR, UNITED STATES DEPARTMENT
OF LABOR

Plaintiff

VS.

TONY AND SUSAN ALAMO FOUNDATION,
TONY ALAMO, SUSAN ALAMO, AND
LARRY LAROUCHE

Defendants

JUDGMENT

BEFORE:

THE HONORABLE WILLIAM R. OVERTON

Dated February 7, 1983, and
entered February 9, 1983

[See Appendix A, page 41
of Petition for Writ of Certiorari
to the United States Court of Appeals
for the Eighth Circuit, herein docketed
in the United States Supreme Court on
May 25, 1984, as Case No. 83-1935.]

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

NO. CIV 77-2183

RAYMOND J. DONOVAN, SECRETARY OF
LABOR, UNITED STATES DEPARTMENT
OF LABOR

Plaintiff

VS.

TONY AND SUSAN ALAMO FOUNDATION,
TONY ALAMO, SUSAN ALAMO, AND
LARRY LAROUCHE

Defendants

ORDER

BEFORE:
THE HONORABLE WILLIAM R. OVERTON

Dated February 7, 1983, and
entered February 9, 1983

[See Appendix A, pages 42-45
of Petition for Writ of Certiorari
to the United States Court of Appeals
for the Eighth Circuit, herein docketed
in the United States Supreme Court on
May 25, 1984, as Case No. 83-1935.]

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

NO. 82-2549WA

NO. 83-1463WA

RAYMOND J. DONOVAN, SECRETARY OF
LABOR, UNITED STATES DEPARTMENT
OF LABOR

Appellee

VS.

TONY AND SUSAN ALAMO FOUNDATION,
TONY ALAMO, SUSAN ALAMO, AND
LARRY LAROUCHE

Appellants

JUDGMENT

Dated December 5, 1983, and
entered March 14, 1984

[See Appendix A, page 47
of Petition for Writ of Certiorari
to the United States Court of Appeals
for the Eighth Circuit, herein docketed
in the United States Supreme Court on
May 25, 1984, as Case No. 83-1935.]

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

NO. 82-2549WA
NO. 83-1463WA

RAYMOND J. DONOVAN, SECRETARY OF
LABOR, UNITED STATES DEPARTMENT
OF LABOR

Appellee

VS.

TONY AND SUSAN ALAMO FOUNDATION,
TONY ALAMO, SUSAN ALAMO, AND
LARRY LAROUCHE

Appellants

DECISION

Dated December 5, 1983

[See Appendix B, pages 48-63
of Petition for Writ of Certiorari
to the United States Court of Appeals
for the Eighth Circuit, herein docketed
in the United States Supreme Court on
May 25, 1984, as Case No. 83-1935.]

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

NO. 82-2549WA
NO. 83-1463WA

RAYMOND J. DONOVAN, SECRETARY OF
LABOR, UNITED STATES DEPARTMENT
OF LABOR

Appellee

VS.

TONY AND SUSAN ALAMO FOUNDATION,
TONY ALAMO, SUSAN ALAMO, AND
LARRY LAROUCHE

Appellants

ORDER [OF AMENDMENT]

Entered February 27, 1984

[See Appendix B, pages 64-67
of Petition for Writ of Certiorari
to the United States Court of Appeals
for the Eighth Circuit, herein docketed
in the United States Supreme Court on
May 25, 1984, as Case No. 83-1935.]

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

NO. 82-2549WA
NO. 83-1463WA

RAYMOND J. DONOVAN, SECRETARY OF
LABOR, UNITED STATES DEPARTMENT
OF LABOR

Appellee

VS.

TONY AND SUSAN ALAMO FOUNDATION,
TONY ALAMO, SUSAN ALAMO, AND
LARRY LAROCHE

Appellants

ORDER [DENYING PETITION FOR REHEARING]

Dated March 1, 1984

[See Appendix B, page 68
of Petition for Writ of Certiorari
to the United States Court of Appeals
for the Eighth Circuit, herein docketed
in the United States Supreme Court on
May 25, 1984, as Case No. 83-1935.]

DECISIONS IN QUESTION

- A. MEMORANDUM AND ORDER [Dated 10 December, 1982, and entered 13 December 1982]

United States District Court for the Western District of Arkansas, Fort Smith Division, No. CIV-77-2183, Raymond J. Donovan, Secretary of Labor, United States Department of Labor v. Tony and Susan Alamo Foundation, Tony Alamo, Susan Alamo, and Larry LaRouche [See Appendix A, pages 1-40 of Petition for Writ of Certiorari to the United States Court of Appeals for the Eighth Circuit, herein docketed in the United States Supreme Court on 25 May, 1984, as Case No. 83-1935]

- B. ORDER [Dated 7 February, 1983, and entered 9 February, 1983]

United States District Court for the Western District of Arkansas, Fort Smith Division, No. CIV-77-2183, Raymond J. Donovan, Secretary of Labor, United States Department of Labor v. Tony and Susan Alamo Foundation, Tony Alamo, Susan Alamo, and Larry LaRouche [See Appendix A, pages 42-45 of Petition for Writ of Certiorari to the United States Court of Appeals for the Eighth Circuit, herein docketed in the United States Supreme Court on 25 May, 1984, as Case No. 83-1935]

- C. DECISION [Dated 5 December, 1983]

United States Court of Appeals for the Eighth Circuit, Case Nos. 82-2549 WA and 83-1463 WA, Raymond J. Donovan, Secretary of Labor, United States Department of Labor vs. Tony and Susan Alamo Foundation, Tony Alamo, Susan Alamo, and Larry LaRouche [See Appendix B, pages 48-63 of Petition for Writ of Certiorari to the United States Court of Appeals for the Eighth Circuit, herein docketed in the United States Supreme Court on 25 May, 1984, as Case No. 83-1935]

- D. ORDER [OF AMENDMENT] [Entered 27 February, 1984]

United States Court of Appeals for the Eighth Circuit, Case Nos. 82-2549 WA and 83-1463 WA, Raymond

J. Donovan, Secretary of Labor, United States Department of Labor vs. Tony and Susan Alamo Foundation, Tony Alamo, Susan Alamo, and Larry LaRouche [See Appendix B, pages 64-67 of Petition for Writ of Certiorari to the United States Court of Appeals for the Eighth Circuit, herein docketed in the United States Supreme Court on 25 May, 1984, as Case No. 83-1935]

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

BEFORE:
HONORABLE WILLIAM R. OVERTON
UNITED STATES DISTRICT JUDGE

NO. 77-2183

RAYMOND J. DONOVAN
SECRETARY OF LABOR
UNITED STATES DEPARTMENT OF LABOR,
Plaintiff

VS.

TONY AND SUSAN ALAMO FOUNDATION,
TONY ALAMO, SUSAN ALAMO, AND
LARRY LAROUCHE,

Defendants

Reporter's Transcript
of
Pre-Trial Conference

March 29, 1982

REPORTED BY
SANDRA SMITH, CVR
APPEARANCES

For the Plaintiff

Robert Fitz, Esquire
Office of the Solicitor
555 Griffin Square Building
Dallas, Texas 75202

For the Defendants

Roy Gean, Jr., Esquire
Attorney at Law
500 First America Building
Fort Smith, Arkansas 72901

PRETRIAL CONFERENCE

• • •

(p. 6) Mr. Gean: Your Honor, in regard to those associates, the full list of those people who have been associated with the Foundation as to their names and location have been given the Secretary of Labor.

It is their position—As I understand their position, the Secretary of Labor contends that these people were employees and the employer-employee relationship existed as is defined in the Act and as has been clarified by the courts.

It is our contention that not any one of those persons are within the confines of the Act so far as their employer-employee (p. 7) Mr. Gean: (continuing) relationship is concerned.

To prove that, of course, we would have to have those people here to testify. In regard to that, I would like to make a suggestion to the Court, and I believe I have gotten an indication from, I believe it was one of your court

reporters that called me, Judge, that you didn't want all of the statements from these people and to send a sampling of them, which we did.

However, the statements that they have made do not necessarily go with this particular fact. These are voluntary statements made by the persons in regard to their activities with the Foundation.

Perhaps if we could limit that with the understanding—That is, limit the number we are going to call—the understanding that their testimony—And it is my understanding from the ones I have discussed these matters with, and, Judge, I have not discussed this with all the people that are involved but I have with numbers of them, that they all take the same position that they do not expect any compensation, that they have not expected any compensation from the time of their first association with the church or with the Foundation.

I think this is very important in view of the decisions of our courts in regard to whether these people are covered by the Fair Labor Standards Act.

(p. 8) Mr. Gean: If it is necessary, Your Honor, we would be in a position to call each one of them. I personally don't think we need to if we could agree that the sampling that we have would be sufficient for the entire group, and, Your Honor, with this further stipulation; that the Secretary of Labor be given permission to call any one of these that he wants to if he feels like we are being unfair in our selection or sampling.

• • •

(p. 9) The Court: Is the primary purpose of these three hundred people to show that they went to work, that their motivations are religious, and that they are not expecting any compensation?

Mr. Gean: Yes, sir, I think that's the gist of it.

The Court: Why don't you pick out two or three of them and we will assume that if the ones whose statements were furnished testifies on that issue, they would testify the same way. How will that be, Mr. Fitz?

Mr. Fitz: I don't suppose there would be any problem with that, Your Honor.

The Court: Mr. Fitz, if you find some among that group you think would testify to the contrary, of course, you are free to call them.

I gather you will have what, four or five witnesses, Mr. Gean?

Mr. Gean: To testify in regard to those issues about what we've just finished?

The Court: Well, Mr. Alamo, Mrs. Alamo, and then two or three witnesses on this First Amendment and also voluntary nature.

• • •

(p. 11) The Court: I think Mr. Fitz has indicated he was agreeable to entering into an agreement that if additional people were called it would be cumulative with what those two or three would say about the issue of their voluntariness and lack of expectation of compensation, and that sort of thing.

• • •

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

BEFORE:
HONORABLE WILLIAM R. OVERTON
UNITED STATES DISTRICT JUDGE

NO. 77-2173

RAYMOND J. DONOVAN
SECRETARY OF LABOR
UNITED STATES DEPARTMENT OF LABOR,
Plaintiff

VS.

TONY AND SUSAN ALAMO FOUNDATION,
TONY ALAMO, SUSAN ALAMO, AND
LARRY LAROUCHE,

Defendants

Reporter's Transcript
of
Court Trial

April 28-30, 1982

REPORTED BY
SANDRA SMITH, CVR

APPEARANCES

For the Plaintiff

Robert Fitz, Esquire
Ronnie A. Howell
Office of the Solicitor
555 Griffin Square Building
Dallas, Texas 75202

For the Defendants

Roy Gean, Jr., Esquire
Roy Gean III
Attorneys at Law
500 First America Building
Fort Smith, Arkansas 72901

VOLUME II

JOHN D. SHASTEEN, produced as a witness on behalf of the Plaintiff, having been first duly and regularly sworn, testified as follows, to wit:

Direct-Examination

• • •

By Mr. Fitz

(p. 40) A. Yes. My company, Shasteen Distributing Company, who I work with or represent, was employed by the Alamos.

Q. When was this?

A. It started in about, I believe it was May, '78, around May, give or take a month or so.

Q. How long were you employed by the Foundation?

A. Almost two years.

Q. Okay, sir. Who hired you?

A. Mr. Tony Alamo.

Q. Would you describe the circumstances which surrounded your hiring?

A. Yes. I was in Nashville; I went with another gentleman, and I met Tony. And I saw his candy line. And I happened to have a distributing company at the

time. And I told him, I said the candy line looked good to me and I thought I could sell it.

So the conversation went from there and we worked out an agreement, and I started representing him from there.

Q. Do you remember the terms of that agreement?

A. Yes. It was a straight commission; he was to pay me one percent of the total sales over a period of time; and in the meantime he paid me a draw, expense draw, and all my expenses on the road, Three Hundred Dollars a week and then later raised it to Three, Fifty.

• • •

(p. 42) Q. Okay, sir. Actually, what were your job duties?

A. I was to hire brokers to represent our candy company, and I traveled all over the United States hiring candy brokers and brokers to sell our candy.

O. Okay, sir. Do you remember specifically which states you traveled in?

A. I traveled in a lot of states; I traveled in a lot of states. I hired brokers; I went to a candy show in Boston and represented the Foundation there. Several different states was represented there. Then I went to Phoenix, Arizona, to a candy show there. And then I traveled to New York, Massachusetts, Rhode Island, Connecticut, Alabama, Georgia, North Carolina, Florida, all over; I've traveled all over the United States.

Q. Okay, sir. Well, first of all, how many hours a week did you work?

A. There was no set time or hours, just whenever I could get an appointment with the people that I was hiring. Sometimes I'd hire one broker a week and sometimes I'd hire more, you know, depending on how I could make my appointments. It was on no set time, just whenever I could reach brokers.

Q. Okay, sir. Were you ever informed in your discussions concerning your employment where this candy was coming from?

A. I knew where it was coming from. It was coming from Alma.

• • •

Cross-Examination

By Mr. Gean

(p. 43) Q. You were paid, I believe, on a commission basis?

A. That was our arrangement.

Q. Was there any regulation of your time that you had to spend in connection with the selling of candy or whatever you did in regard to your business?

A. None whatsoever.

(p. 44) Q. Did you have complete and absolute control of your time, the places you would go?

A. Yes, sir.

Q. When you would go?

A. Yes, sir.

Q. And what direction you would head?

A. Yes, sir.

Q. Did you have a document or any sort of writing, a letter that you might have received in regard to your employment?

A. No, sir.

Q. This was just an agreement between you and Mr. Tony Alamo?

A. Mr. Alamo and I had a verbal agreement, and we, at one time, started to draft a letter to this effect. We agreed that his word was as good as mine and mine was as good as his, and that was good enough for us.

Q. Was there any withholding of federal or state taxes from any monies that you received?

A. No, sir.

Q. You were paid strictly on a commission basis?

A. Yes.

Q. I believe at first you had a draw, you said, of Three Hundred Dollars?

A. Yes.

Q. Was that a—

A. It was all draw, Three Hundred Dollars a week.

(p. 45) Q. Three Hundred Dollars a week? You drew Three Hundred Dollars a week?

A. A week.

Q. And you did not have any requirement as to the time you had to spend?

A. No, sir.

Q. Was this against your one percent commission that you received?

A. Yes, sir.

Q. And later, I believe you said, the draw was increased to Three Hundred and Fifty Dollars?

A. Yes, sir.

Q. And that was Three Hundred and Fifty per week?

A. Yes, sir.

Q. Is it your contention that you have not been paid a sum that would equal the minimum wage?

A. I was paid more, by far, than my percentages ever reached.

Q. Even your percentages?

A. Yes. Yes, I was paid far more than minimum wage.

Q. Even more than your percentage that is your one percent commission?

A. Oh, yes, sir. We never reached that point; I never reached that point in sales.

• • •

(p. 46) The Court: Mr. Fitz, let me ask you a question about this testimony. Maybe I'm overlooking something that's obvious from the testimony. But what's the significance of his testimony?

Mr. Fitz: Your Honor, the primary purpose behind (p. 47) Mr. Shasteen's testimony was to show that the

Foundation has been—it's the first step in our proof of showing the Foundation is involved in interstate commerce.

The Court: Well, is that an issue?

Mr. Gean: No, sir.

Mr. Fitz: Yes, sir, I think it is. We're going to have to establish interstate commerce in establishing the jurisdiction of this lawsuit.

Mr. Gean: Well, Your Honor, we have, in our depositions, we've admitted that the gross sales during the particular time that we're involved exceeded the—I mean, he went into matters concerning payment and not just why—

The Court: Well, I'm totally confused about all the detail about his payment. I thought maybe you were suggesting he was not paid the minimum wage or something.

Mr. Howell: Your Honor, there may exist some question as to payment to Mr. Shasteen with regard to overtime. But I don't think there's any dispute about minimum wage.

The Court: Overtime?

Mr. Howell: Yes, sir. There may have been some at one time, Your Honor.

The Court: I mean, is there some basis and fact from this testimony by which I'm supposed to reach that inference or conclusion?

Mr. Howell: Mr. Shasteen's testimony, Your Honor, the (p. 48) only thing I can say, at a prior trial there was an argument in efforts for overtime compensation due Mr. Shasteen. I'm not sure that his testimony this afternoon

is going to prove up that point. But it does prove up, as I say, the interstate commerce question that I felt and was of the opinion was still an issue.

Mr. Gean: Your Honor, we don't even think it establishes that. This man has his own business.

The Court: Well, he was a contractor to sell their products interstate commerce.

Mr. Gean: Well, they contracted with him. He could sell it anywhere he wanted to.

The Court: Well, that's really not an issue.

Was there any reason I need to look at Mr. Shasteen's testimony at this point?

Mr. Howell: Your Honor, with regards—if the products in interstate commerce question is still in question, I think that your notes might be helpful in that regard. But outside of that,—

The Court: Well, I tell you, Mr. Gean is stipulating that they operate in interstate commerce.

Mr. Howell: Then it has no significance.

The Court: Okay, sir.

• • •

BILL LEVY, produced as a witness by and on behalf of the Defendants, having been first sworn, was examined, and testified as follows:

Direct Examination

By Mr. Gean

(p. 71) Q. How did you become associated with the Foundation?

A. I became associated with the Foundation almost twelve years ago when I came out to California from New York City. At the time, I was a heroin addict and I had been in an awful lot of trouble back in New York. I came out to California and somebody from the Tony and Susan Alamo Christian Foundation handed me a gospel tract.

I had been out in California a couple of days and I had gotten involved with people out there that were murdering people for money. And I decided to take up the occupation. I was on my way to commit a contract murder and somebody handed me a gospel tract.

And I went by the church services and Tony Alamo was (p. 72) preaching the gospel. And he preached about a heaven and he preached about a hell.

I was raised in a Jewish faith, and I never heard about Jesus Christ; I never heard about—I never believed in God, really, but I believed what he was saying. He said that if I said the Sinner's Prayer and asked Jesus Christ to come into my heart, that God would wash away every sin that I ever committed and he'd change me in the twinkling of an eye, and I'd become a new creature in Christ.

And I believed it, and I came down and gave my heart to the Lord Jesus Christ. That will be twelve years ago, May 6, 1970.

And the Lord did change my life. From that second on, I never took another narcotic or drug. I was instantly delivered.

I had been in Government funded projects to try to get rid of my drug addiction, the Phoenix House in New York City, and nothing worked for me until I met Jesus Christ.

And ever since then, I've devoted my life to Christ, to the ministry of the Lord.

Q. Where have you done that?

A. At the Tony Alamo Christian Foundation.

Q. What do you do at the Tony and Susan Alamo Foundation?

. . .

(p. 73) A. I volunteer my services in whatever capacity I can be of use; I witness and testify; I go to church services; I seek baptisms with souls; I read with young Christians; I go out on the street and bring the gospel of love to people. I do everything that I was taught by the founders of the church, Tony and Susan Alamo, in the ways of God; I attend prayer meetings. We have two prayer meetings every evening. I go out on witnessing chains and bring the message to the lost and dying in convalescent hospitals and jails, on the street, witnessing and testifying, whatever. In whatever capacity I am, the main thing that I do is witness for the Lord Jesus Christ.

. . .

(p. 76) Q. In regard to the working hours of those people who are associated with the Foundation, Ms. Petri said that there would usually be services or prayer meetings in the morning, 10:00 o'clock or so; then they would sew all afternoon and evening and late into the night, and sometimes into the early morning. And this would be

sewing clothes to send to Arkansas to our National Clothing Store.

A. That's incorrect. Our prayer meetings are always at 8:00 o'clock in the morning. And as far as people sewing all night and all day, they had like a little sewing deal where the girls would sew some quilts and things like that. It was just like a little sewing circle that the girls did.

Q. For whom were they sewing the quilts?

A. For themselves or to give to the poor, or what have you.

Q. Did you ever sew any quilts for sale?

A. I have never sewn any quilts at all.

Q. I'm sorry. Have those people with the Foundation ever sewn any quilts for sale?

A. Not that I know of.

Q. They were sewn primarily for those people associated with the Foundation?

A. Or for the poor.

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(p. 77) Q. Do you hold some particular position with the Foundation as to what you do in regard to some agriculture work?

A. I volunteer my services on the hog farm, if that's what you mean.

Q. Now, what is done with the hogs that are raised at the hog farm?

A. Some of it goes to the congregation, you know, to slaughter for the congregation; some of it is sold.

Q. What is your connection with the hog farm?

A. I volunteer my services at the hog farm; I slop the hogs sometimes; sometimes I give them shots.

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(p. 78) Q. Prior to that, what did you do? Did you work away from the Foundation?

A. Yes, I did.

Q. Describe that type of activity and those people who are associated or volunteer, as you say, with the Foundation working outside jobs at the Foundation?

A. Yes. A few of us would get together and possibly decide to go out and get a job. It may be planting trees or it may be — I'd worked at ~~Landers~~ Factory in Fort Smith, Arkansas.

Q. Did you do that for a long period of time?

A. Several months.

Q. All the time you were associated with the Foundation from January, 1976 until you started working with the hogs?

A. Excuse me, sir?

Q. The time from January, 1976, until you started working at the hog farm, were you working at outside work?

A. Not all the time.

Q. The rest of the time, what were you doing?

(p. 79) A. Helping out around the Foundation, you know, helping with concrete; maybe it was concrete work, maybe helping with whatever had to be done. Sometimes I

would do nothing but witness and testify. At all times, I'd be witnessing and testifying for the Lord Jesus Christ; in whatever capacity I was, I would constantly be witnessing and testifying for the Lord Jesus Christ at all times.

Q. You mentioned that you were at Flanders Manufacturing. What was your purpose in being there?

A. Just work.

Q. Was it a source of witnessing for you?

A. Excuse me?

Q. Was it a source to witness?

A. Oh, yes, certainly.

Q. Did you witness there?

A. Yes, I witnessed there an awful lot. I won several people to Christ at Flanders.

Q. The monies that you received from these jobs outside, to whom were payments made for those services?

A. To me.

Q. What could you do with that money?

A. I personally would tithe it to the church.

Q. The entire amount?

A. Yes, sir.

. . .

(p. 80) Q. Well, was it not? Were you forced to bring any payments in or coerced to do so?

A. No, I wasn't coerced to do so or forced to do so. I did it according to the dictates of my own heart, because that's the way I believe; that's my beliefs.

Q. Was this a matter of belief that you did this?

A. Oh, certainly.

Q. Your working at these various jobs and coming in and also working around the Foundation, why did you do that?

A. Because this is the beliefs that I have; this is the way that I have chosen to serve God. And I believe — the Bible says to love the Lord Your God with all your heart, mind, body, soul, and strength. And it's a Commandment, and that's what I do. I believe that what God has done for me, I couldn't put a dollar and cent sign on. God has given me eternal life; he's taken me out of a life of drug addiction; he's reunited me with my family, which I had not been prior to becoming a (p. 81) Christian. If I had not been a Christian, it's my personal belief that I would be dead right now. I have tried to commit suicide numerous times before I became a Christian. And I believe that it's what I do for God and that it's my reasonable service that's an act of love and charity.

Q. Is this the expression of the other members of the Foundation?

A. Yes, it is.

Q. You said you had attempted to commit suicide. Had you been hospitalized for that?

A. Yes, I was.

Q. Had you been institutionalized prior to the time you accepted Christ?

A. Before the time I accepted Christ, I was; after I accepted Christ, I have never been, nor have I ever been

arrested, nor have I ever been given a parking ticket.

Q. Prior to that time, had you been arrested?

A. Many times.

Q. You have been charged with serious crimes?

A. I've been picked up for grand larceny, arrested for burglary, picked up for murder, and several other offenses.

Q. Did you have to do any time at any of the jails or penitentiaries in our country?

A. I did detention time. My father was an editor with the New York Times news staff, and he supplied me with good counsel. (p. 82) I was considered a youthful offender and I was never convicted of any such crimes.

Q. While you were growing up, as to your academic abilities, did you have any honors bestowed upon you in that area of your life?

A. Yes, I did. In my early ages, when I was in the sixth grade I got a Government grant to go to New York University for science.

Q. Did you say the sixth grade?

A. Yes, sir. I was voted the class scientist up until I got involved in drugs. Then my life went downhill.

Q. You said you were Jewish. I presume your parents are still Jewish?

A. Yes.

Q. In faith and in practice?

A. Mr. Gean, the only thing I can explain to you is, before I became a Christian I was an animal. I had threatened my father's life on numerous occasions; I would not let anybody touch me, including my mother. I was capable of exploding at any time and becoming very violent. And as far as my parents were concerned, I was dead.

When I became a Christian, I got in touch with my parents. My parents—my father being a news reporter—not a reporter, an editor for the Times, he was sort of leery; he wanted to see what I was doing.

(p. 83) He came out and when he saw the change in my life, both of them accepted Christ as their personal Savior.

Q. Were you involved in that experience of theirs?

A. Yes, I certainly was.

Q. How much of your time do you spend in witnessing?

A. Well, that's basically what I do. I mean, even when I am at the so-called hog farm, if a truck driver comes in delivering grain, we will start speaking to him. I will just drop whatever I am doing and start talking to him about the glory of God and what Jesus did for me.

Q. Are you encouraged to do this as a person associated with the Foundation?

A. Absolutely. That's what this work is all about. Tony and Susan Alamo have always taught us the concepts of the Lord Jesus Christ, that you must be born again, and that it's our duty as a Christian to go out and

tell people and compel them into the house of the Lord. And they brought us in the fear and admonition of the Lord, and they showed us in the word of God what we were required to do. We read it and then followed according to the dictates of our own heart.

Q. Did you do this as a matter of religious belief?

A. Absolutely.

Q. Is this a situation as to those who are associated with the Foundation?

A. Absolutely.

(p. 84) Q. Mr. Levy, you perform various tasks in addition to the hog farm that you've testified to. You also go out and witness. What percentage of your time are you actually away from the Foundation solely for the purpose of witnessing and not being involved in any other type of menial or physical activity other than the purpose of witnessing to others as you've described?

A. Quite often. In fact, I just came back from a trip. I went to Dallas, Texas, and witnessed in convalescent homes and on the streets.

Q. Do you have people from the Alamo Foundation that are in Dallas, Texas?

A. Yes, we do.

Q. How are those people supported down there? Do they work in jobs? Do they have any income to support themselves?

A. No, they don't; absolutely not.

Q. How are they supported?

A. The Church pays for it.

Q. Those of you, these associates and volunteers?

A. Yes, sir.

Q. How many do you have in Dallas now?

A. I'm not quite sure how many we have now. I know when I was out there, we had ten.

Q. How long were you there?

A. I was there for, I believe, four days. Then I went to (p. 85) Los Angeles.

Q. What was the purpose for going to Los Angeles?

A. We have a church out in Los Angeles. I went out witnessing and testifying there.

Q. Did you have any other type of activities, such as—I lack another way of describing it—working or physical or mental activity or clerking, or something of that nature?

A. Oh, no, absolutely not. When I went out, I went out strictly for the purpose of bringing the gospel to the lost and dying and praying with people and reading with the sick and the elderly.

Q. Reading what?

A. Reading the Bible. Going into homes where there were autistic children, retarded children, and bringing the gospel of peace and glory to them. We'd go and sing gospel songs to the elderly people or to the young retarded children, or people in jails, detention facilities. This was the sole thing that I did, and I would do it every day. I was out in Los Angeles for oh, I imagine three or four

weeks to do it. And then I went from there to Tulsa to do it; and then from Tulsa, I went to Chicago to do it.

Q. How long were you in Tulsa?

A. I was in Tulsa just for a day. It was a stay-over and I went out. Actually, wherever I am going, I'm handing out gospel literature and telling people about the Lord Jesus Christ.

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(p. 87) Q. Do I use the right term when I say "working at the Foundation"?

A. No, you don't.

Q. What would be the right term, Bill?

A. Volunteering our services. We are volunteer witnesses—most people at the Church, or all people at the Church, their main job is not to work. The people who work in the restaurant, for instance, if somebody outside is hitch hiking down the road, well, the person that was a busboy at that minute, he'd see him outside the window, he'd leave the restaurant, go out and witness to him. And if it was for one, two, four, five, six, seven hours, he would stay out there. Now, you couldn't very well work a job for most people in Little Rock and do that, just take off and go witness and testify, and then if you win the soul to the Lord, sit down and read with them for another hour or two, and then take him into a prayer room and pray with (p. 88) them.

Our primary job in the Tony and Susan Alamo Christian Foundation, we are a soul winning gospel outreach group.

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Q. In view of what you said and your expression to the Court today, is it possible to keep a record as to where you are and (p. 89) what you are doing during the course of a day or during the course of a week?

A. No. It would absolutely hinder me from following my religious convictions, my beliefs in God. In other words, I might be slopping the pigs and a truck driver come in there, I've got to check off the time I stopped slopping the pigs and go over to the truck driver and write—record how long I talk to the truck driver to witness to him about the Lord Jesus Christ, and then stop and check that off, and if I prayed with them, how long I prayed with them for. And then if I read the Bible with them, stop and check that off, how long I read Bible. And before you know it, I would be just doing nothing but filling sheets all day long.

Q. Could you keep that in your memory and do that maybe daily or weekly?

A. No, I couldn't.

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(p. 90) Q. But when you were there at the Foundation and performing various tasks, you put down primarily hog farm during this time. Have you had other activity other than just at the hog farm?

A. Certainly.

Q. Give the Court an example.

A. If they needed help at the restaurant, I would bus for an hour or two; if there was a big, you know, whatever, if somebody was witnessing and testifying to somebody and I walked in there, I would help out in the restaurant;

if they needed somebody to wash dishes, I would help out and wash dishes; if they needed somebody to clean up, I would help clean up; or if I decided to just go out and witness and testify, I would go out and witness and testify.

Q. Do you have to, as a matter of rule or regulation, report to anybody to do these things?

A. No, sir.

Q. Are you assigned these specific responsibilities?

A. No, sir.

Q. Is anybody assigned any specific responsibilities?

A. No, sir.

Q. Has this been true since you've been with the Foundation?

A. Yes, sir.

Q. It seems difficult to me how you can operate an organization on that basis. But have you been able to function?

(p. 91) A. Yes, sir.

Q. What is the motivating force, the spirit that keeps all this going?

A. The Spirit of God; it's the Lord Jesus Christ. The people of the Church, their whole aim is to further the gospel of Christ, and that's our whole aim. And if somebody would come up to me, say, in the evening and say, "Bill, I'm going out on a witnessing chain. I was going to help out over here for an hour or two. Would you do that for me?" I would say, if I wasn't going out witnessing and testifying or wasn't scheduled to pray, or whatever, I would say, "Well, certainly, I will do that."

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(p. 97) We have a school that's provided free of charge, Christian school, where the kids can be brought up. They don't have to be around vulgarity; they don't have to be around some of the things that are in our public schools. And they get a finer education, because they are taught in smaller classes with more time devoted to each child.

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(p. 97) Q. What does it cost you to have your children go to school?

A. Absolutely nothing.

(p. 98) A. It's all provided by the Church.

Q. What about the food for you and your wife and children, other than when they are at school?

A. All of my food, my children's food, my wife's food, all of our clothing, all of our lodging, all of our every needs, even down to a toothbrush, tooth paste, socks, toilet paper, light bulbs, anything you could possibly require to live is given to us freely at the Church.

Q. What about dental and medical expenses?

A. They are certainly paid for by the Church.

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(p. 99) Whatever needs we have is all completely covered by the Church. It's completely met, fully met.

You can see by the picture that I haven't been wanting from food. When I first came to the Church, I was about a hundred pounds lighter. I was a heroin addict off the street; I hadn't eaten for about fourteen days.

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Q. You have taken the position that you are a volunteer?

A. Yes, sir.

Q. What does that mean?

A. That means that I have no expectation of wages whatsoever, never had. When I first came to the Church, I was not expecting (p. 100) a wage. I didn't come to the Church to make my fame and fortune; I came to the Church to learn about God. Whatever benefits I get I consider the blessings of God.

But had there not been such great benefits — which is obviously more than what I could get working. As a gas station attendant, I couldn't afford the clothes that I wear or anything; I couldn't afford to keep my family the way I do. It's obviously well and above what you could get if you had a minimum wage scale. But even if I didn't get such great benefits, I would still do what I am doing because it's my belief in the Almighty God.

Q. Bill, in regard to the volunteer, what does that mean to you in regard to the receipt of wages or the expectation of money to be paid to you or compensation of any sort?

A. I've never expected any compensation, any wages, nor do I ever expect to receive any compensation or wages for what I do, for what I do for the ministry of God. I believe it would be offensive to me to even be considered to be forced to take a wage. It would be an absolute offense to me.

Q. To your belief?

A. To my belief, certainly, it would be offensive to me.

Q. Do you know that the Secretary of Labor is asking that this Court issue an injunction requiring that Tony and Susan Alamo Foundation pay you certain amounts of money?

A. Yes, I do, and I hope it's not — I do not want the money, (p. 101) nor have I ever asked the Labor Department to do this for me, nor do I ever, since I've been associated with the Tony and Susan Alamo Christian Foundation for twelve years, ever wanted the Labor Department or expected wages or compensation. It is offensive to me. It offends — I believe it offends my right to worship God as I choose.

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Cross-Examination

By Mr. Fitz

(p. 104) Q. Why did you move from Saugus, California to Dyer, Arkansas?

A. I wanted to be closer to the Church out in Alma and Dyer.

Q. Did you receive a call, for instance, from Mr. Alamo saying, "Mr. Levy, we need you in Dyer" or "we could sure use you in Dyer", or did you just up and move?

A. No, I didn't receive a call from Mr. Alamo saying, "We need you in Dyer" or "could use you in Dyer."

Q. Did you take it on yourself to make the move on your own?

A. Yes. But I first would have to know whether there was housing available for me. I didn't just go out there and hope that there was some sort of a house there.

Q. So let me be sure I understand. You checked to see if there was housing available; you were told there was housing available, and then you made the move?

A. Then I came.

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(p. 114) Q. So, anyway, a few of the Brothers would get together and get a job planting trees, is that correct? And one of the Brothers in the group would bid on the job planting trees, is that correct?

A. Well, when I was there, yeah.

Q. And the Brother that bid on the job, would he get a check from the person you were planting trees for? Would he receive payment from the person you were doing the tree planting for?

A. Yeah.

Q. What would he do with this payment? Would he distribute to the people on the crew or would it turn it in to the Foundation?

A. I believe it was turned in to — we wouldn't distribute it to the people on the crew. We had already decided what we were going to do with the check.

Q. And you decided that it would be donated to the Foundation is that correct?

A. Yeah, part of it would go to the Church.

Q. What would the other part go for?

A. For our benefits.

Q. What do you mean by benefits?

A. Our gasoline, shoes, clothes, hospital bills.

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ANN ELMORE, produced as a witness by and on behalf of the Defendants, having been first sworn, was examined and testified as follows:

Direct Examination

By Mr. Gean

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(p. 119) Q. (By Mr. Gean) You are Ann Elmore?

A. That's right.

Q. And you live at Dyers?

A. That's right.

Q. You are associated with the Foundation?

A. Right.

Q. And you are how old, Ann?

A. Forty-seven years old.

Q. How long have you been associated with the Foundation?

A. Twelve years.

Q. How did you become associated with the Foundation?

A. Well, I was at the beach in California one day, at the age of thirty-five years old, having never heard the gospel of Jesus Christ. And I was a woman who had been twice divorced and I was at my wits end as to what the world had to offer.

And Tony and Susan Alamo and some of the Brothers and Sisters came on the beach that day, and they were preaching the gospel. They told me the gospel of Jesus Christ. It was the first time that I had ever heard that one of these days I (p. 120) was going to have to answer for my life here and I was going to have to just do whatsoever God wanted me to do, that God was real and Jesus Christ had died for the sins of the world. And he had died for me; they told me that.

And for the first time in my life, it made sense to me. And I decided I had tried everything else and I wanted to know if God was really real. And I got down on my knees that day at the beach and Susan Alamo led me through a very simple sinner's prayer. And I repented of my sins and I had a super-natural experience with God that day. I actually felt the heavens open up; I felt my understanding open up; and I felt God; I felt the Spirit of God come down out of heaven; I had a tangible experience. I felt nobody could ever take it away from me. It wasn't man that revealed to me that God was alive, but God himself revealed it to me.

And I got saved. I felt every sin I had ever committed washed away. And I knew that there was something I had to do with the rest of my life, and that was to serve God. I wanted to do things his way.

Q. Before you came with the Foundation, what were your circumstances? How were you living?

A. Well, I had been born and raised in Pennsylvania. When I got out of high school, I married a well to do, well educated young man from Boston. He had been a Harvard graduate; he was on the athletic staff at Harvard

University. I lived a life (p. 121) for ten years in Boston associated with the intellectual type people at the university. I took a lot of courses there. We had a beautiful summer house in New Hampshire and we went to the theatre in New York. I did all the things that a young girl aspires to do when she grows up. I had all the material things that I ever desired.

I knew that something was missing in my life, but I had never believed in God. I had gone to church when I was a Child, but I never believed God was real. I thought that religion was a crutch; I thought Christians were people who just couldn't make it in the world. And I felt that I had made it, that I had actually achieved something with my life. But in my heart, something was missing.

We just, you know, led a very social type of life, you know.

Q. You and your husband?

A. My husband and I. I went to the teas at the university; we went to Florida in the winter; I had diamond rings that people would look twice at. And —

Q. What happened to your circumstances at that particular period in your life?

A. I had a child that was born mentally retarded. It was my first child, and when he was three years old he died. And I was very upset by that and very heartbroken, because it just never made any sense to me that this had happened. And I began (p. 122) to question what life was really all about and why I had gone through this thing and whatever happened to the child.

I started delving into all kinds of philosophies and psychology and searching into my own mind, thinking I could find some answers in my own heart or in my own mind that would make life worth living.

Q. Did that existence in your marriage which kept you in those circumstances end in divorce?

A. Yes. After seven years of marriage, I divorced my husband just for no particular reason, except that I knew all the things I had acquired in my life just were not sufficient to give me a real reason to live. I knew something was missing.

Q. Then what happened to you?

A. I had gone out — first, I went to school for awhile and I got a job. I had never worked up until that point. I got a job at Harvard University and worked a couple of years, and I remarried.

This time, I married a Harvard attorney, a very brilliant young man. We moved to California and he set up law practice out there. He did very well, had his own law firm in Beverly Hills. And he went up to the top very fast. And we got into the same social type thing on the West Coast as I had been in on the East Coast.

And we adopted a little boy, a baby, and set up house-keeping out there.

(p. 123) It wasn't long before I couldn't understand why all these things that I had — I had everything that a woman could desire. I had, you know, a good marriage. There was nothing specifically wrong with my marriage. I

just knew that I was empty inside and I just could feel a driving for something that I didn't have.

I even delved into drugs at one point in time. And we were in the social set where people had cocktail parties and dinner parties and that sort of thing.

Q. What sort of drugs are you talking about?

A. We started smoking marijuana. And I thought, well, maybe the younger people who have gotten into the drug culture, these mind expanding drugs, maybe I have to see what this is about. So I tried the drugs.

I started out with marijuana; then I tried LSD, just every kind of drug you can imagine. I took LSD just a few times, mescaline, and everything but shoot into my arm; I didn't do that.

But I felt I led a responsible life. I kept a very excellent home; I was a very responsible person. I thought I was a good mother. And I justified my drug taking because I was able to maintain a certain status of living that I thought was acceptable. I wasn't a hippie of the streets and I wasn't out stealing money or anything. I had money of my own. And it was more of a — I wasn't addicted to drugs, but I —

(p. 124) Q. What happened to that situation?

A. Well, after six years I just picked up my young son one day and I told my husband I was leaving. And I just — at the age of, I guess I was about thirty-three years old. I look back on it now and I wonder why I just decided at that point in time I could start all over. But there was just something that seemed to drive me. And I went out

on my own again and proceeded to raise up my son. I didn't work; I was financially independent.

I drove a new Mercedes with a sun roof and I had a beautiful little house near the beach. And I spent my days at the beach and my evenings with friends getting into very involved conversations, trying to figure out the things of the world.

Q. How about the drugs?

A. And continued to smoke marijuana daily.

Q. Take other drugs?

A. Occasionally I took other drugs, yes.

Q. Was it when you were in that situation you were involved and came in touch with the group from the Foundation?

A. Yes, it was during that period of time. My son was four years old and I was thirty-five. I had gone to the beach on a weekend. And some friends — was going to go and take some drugs that weekend with some friends. And I decided against it and I went to the beach.

(p. 125) And I was just sitting there. And Tony and Sue came onto the beach and they told me the world was coming to an end and Jesus Christ was coming back to earth again and that I had to get my soul right with God. And all of a sudden, it just pierced my heart and I knew that everything that I had ever known before that meant nothing, but that those words were the truth. And it was just a marvelous thing. It was like a wonderful revelation.

Q. After that happened — you had this conversion experience that you have given to the Court — what did you do?

A. Well, I decided that whatever I had to do, I wanted to keep that wonderful feeling that I had. I knew I was clean; I knew I had a chance to start my life over again, and this time I knew I could do it right through the power of God, that Jesus Christ was my Savior, and that he would be able to lead me through life.

Q. After that time, were you involved in drugs?

A. No, sir. I never took another drug; I never said a bad word; I never told a lie. I wanted to stay saved. I believed that that feeling that I had, that Spirit of God, I wanted to remain with me for the rest of my life. I knew that whatever I had to do I would do, because I wanted to give my life to God.

Q. And you were associated with the Foundation from the very beginning after your conversion experience?

(p. 126) A. After that, I went to services, and, yes, I was associated with them.

It was six months later that I actually gave up my house and got rid of my own personal belongings and just moved right into the Foundation.

Q. What did you do with the monies you received from your home and from your other belongings?

A. I didn't own a home. I was renting at that time. My belongings I just donated to the Church. I felt anything I could give — I would just have given anything that I had to this Church that I knew was the truth.

Q. Was this requested of you?

A. Oh, no.

Q. Did you say that occurred, the donating of your property, some six months after you had become associated to a degree, after your conversion experience?

A. Yes.

Q. Were you receiving alimony?

A. No, actually I wasn't. I had some money from an investment that I lived off of, and I had a very small amount of child support.

Q. Do you still receive that child support?

A. No, sir, I do not.

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(p. 127) Q. Was that one of the reasons you came with the Foundation, is because your investment had been used up?

A. Oh, no; no, not at all. Susan Alamo had even talked to me. I talked to her on many occasions, and she said it wasn't necessary that I move into the Foundation. I could have stayed out and done everything on my own, but I wanted to give everything I had to God, I mean my heart. And I didn't want to have one foot outside and one foot in. I wanted to be totally involved in the workings of the Foundation, because I knew that God — it was a work of God.

Q. I'm not going to use the word "work", but I would like to use the word "activities." So far as your association with the Foundation at this time, what are your activities? What do you do about the Foundation?

A. Well, my main and sole interest is to preach the gospel to other people who are like I was, that they may have that same thing, that they might be saved. So whatever I do, — the (p. 128) first four and a half or five years at the Foundation, I did nothing but read the Bible and pray. I'd go out in the streets and witness and testify. That was all I did the first five years.

Q. Ann, where did you go out on the streets? Was this in the California area?

A. Yes, sir, in the California area. We'd go to the beaches, go down to Hollywood. We just searched out all those lost and dying souls and preached the gospel to whoever would listen.

Q. Was this a daily activity on your part?

A. Yes, sir, it was.

Q. Was this a religious exercise in accordance with your religious belief?

A. Oh, yes, sir; yes, sir. I knew that all I could do for Jesus would be what would count in this life, that he died for me, and I knew my life — I was so happy with my life and the things that God had done that I knew that's what the world needed, that the world needed Jesus. And I love doing it. There's nothing I love doing more than preaching the gospel.

Q. Do you consider that you are a preacher?

A. I am just a witness for the Lord.

Q. You are not ordained?

A. No, sir.

Q. But you consider this witnessing, and you preach as a source of witnessing, do you do that, Ann?

(p. 129) A. I'm sorry, I don't understand what you mean.

Q. You do preach. I'm not sure how a woman preaches.

A. No, I witness and testify. I've given my testimony in our church services and on our television shows; I've told my testimony just wherever possible, and whenever I meet anybody I always ask the Lord to let me tell them about Jesus.

Q. Did you, during the first four or five years, did you have income of your own?

A. No, I didn't.

Q. How did you live? How were you supported?

A. I was completely and totally supported by the Foundation.

Q. Where did they get their money to do that?

A. Well, it was a mystery to me how the Lord, no matter what we needed, the Lord always provided. The Lord said he would provide; he said, "Take my thought for the things, for your clothing and for your food", and that sort of thing; just seek the Kingdom of Heaven and God would give us everything. And I believed that. I just went into my new life with that in mind, that God was

going to provide, and he did. He provided everything I've had, an over abundance of it, everything I've ever needed and then some that the Lord has provided.

It's hard to say exactly how. God is a God of miracles.

Q. But you performed no activities that brought in money or by way of a service?

A. No, I did not.

(p. 130) Q. For the first how many years?

A. Five years.

Q. And then after that, what did you do? Apparently, you've been engaged in some sort of service since then?

A. Well, after that, the Foundation came out to Arkansas.

Q. Some came?

A. Some people came out, and we decided we were going to build a restaurant and open a gas station to support us out here, because the West Coast and Los Angeles—we just couldn't get the permits we needed to build housing; we didn't have adequate housing and that sort of thing. A lot of us were getting married and people were having children. And we needed—we came out to Arkansas because we had better opportunity to build. And so we came out here and we set up businesses to feed and clothe ourselves (sic).

And we worked hard and we built ourselves homes and a school and a cafeteria, just everything that we need, you know.

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(p 131) Q. Ann, do you have anybody associated with your Foundation that asks for money from these witnessing trips and while they are out in the streets?

A. Oh, no, we never ask for money. We give to the people, you know. Jesus came and ministered unto the people. He didn't come to be ministered to; he came to minister. And that's what we do, we go out and we minister unto the people.

Q. When you go out, do you sell trinkets or do you sell things to people?

A. No, sir.

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Q. Is that true with many of those who are associated with the Foundation, they are not involved in what is called outside work?

A. Well, a lot of people—some people have gone out. My husband—I am now remarried. I've been married for six years to a God fearing man who has been with the Foundation twelve years. And he has gone out on occasion and worked and brought (p. 132) in money and just pooled it into the work so that we could build.

Q. Why does he pool his money?

A. Because we need money to build our homes and to support ourselves. We are totally self-supporting. We have never asked any money from anybody. And we believe, if you want to eat, you've got to work. And if he had the money, he certainly wasn't going to keep it for his own personal use. He would just give it. It costs money to build houses and buy furniture and to have a school and buy books and that sort of thing.

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Q. What is the primary purpose of that which you do in the way of service or activity, whatever you want to call it? What is the primary purpose of it, the driving force?

A. It is to keep the gospel spread throughout the whole world, to go and tell others that the world is coming to an end and that nothing else means anything, that there is only one truth, and that if people don't repent of their sins that hell is a reality; there is a burning hell beneath our feet and that heaven is a reality, that heaven actually exists; it's real.

Q. Do you do these things as a matter of religious belief?

A. Absolutely. I believe it more than anything. I know this is the truth and that nothing else is of any value but (p. 133) that.

Q. Ann, you could know it's truth and still not do it as a matter of religious belief, could you not?

A. I'm sorry, I don't understand what you mean.

Q. I'm trying to be a little hard on you, and, really, I don't want to be. These activities—

A. Why would I do it if I didn't believe, if it wasn't my religious belief?

Q. You could do it for the benefits that you receive.

A. If I received no material benefits at all, I would find a way to remain involved in this work, because this is the work of God. I don't do it for the material benefits; I do it because God called me to do it. And he said—he

commanded people to go out and preach the gospel to the four corners of the earth.

Q. Is this the reason your group has associated themselves together?

A. That's right.

Q. To do these things as a matter of religious belief?

A. That's right.

. . .

(p. 134) Q. Were you ever associated with the Foundation in any (p. 135) capacity with the expectation of payment of wages or any sort of compensation?

A. No, sir.

Q. At the beginning?

A. No, sir.

Q. Was there ever anytime that you've been with the Foundation, from the time which you've already given to the Court when you came with the Foundation, was there ever anytime after your association that you've come to expect compensation or wages?

A. No, sir. I can truthfully say it never even so much as entered my mind.

Q. And, of course, you do expect the benefits?

A. Well, the benefits are just a matter of—of course, we went out and we worked for them. And when I first came into the Foundation, we had very inadequate facilities. I didn't come in—I had gave up much more comfortable circumstances in the so-called world than I was coming into. But I was willing to do that. I didn't care if I

never had another material thing as long as I lived. I wanted to do what was right in the eyes of God. I can't express to you the feeling I had of the difference of my life before I met God, before Jesus saved my soul, and afterwards, that it was worth anything to me. And I knew it was the truth. And no one ever expected any kind of compensation, and the thought is totally vexing to my (p. 136) soul. It would defeat my whole purpose. I have given my life to God, and Jesus had died for me. I owe him my life.

Q. Ann, there's a lot of people that believe that in the Baptist Churches and Methodist churches and other denominational groups.

A. Yes, I realize that. But the Tony and Susan Alamo Christian Foundation is a unique work; it's a work established very much like the first church that is written of in the Bible, and where we pool our things and we pool our resources, and we got together and we set ourselves up so that we would be self-supporting and go out and preach the gospel.

. . .

Q. Was anybody or has anybody been forced to make any contribution or give some properties to the Foundation, to your knowledge?

A. No. Most people who came to the Foundation came in with nothing. I came in with very little. And, no, the Lord just—we went as we were, and the Lord accepted us the way we were. It didn't matter what kind of life we came out of, but we had a common experience together. We all knew that Jesus was our Savior and we started out from there.

. . .

(p. 138) Q. The laws of the land. The Secretary of Labor says you are to be paid.

A. Well, they are wrong. I don't know where they got the idea. I don't know who asked them to come in my defense that I should be paid for the way I've decided to give my life. I know the abortionists today believe your body is your own; the Federal law says your body is your own, you can do whatsoever, and it's perfectly all right to go out and have an abortion. If I want to donate my body to the service of the Lord, that's my business.

I don't believe in the abortion laws, but I do believe I have a right to serve God the way my heart dictates.

Q. Is that what you are doing in the Foundation?

A. Yes, sir.

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(p. 140) I did, I volunteered my time waitressing (p. 141) at our restaurant. And I loved working up there, because I was a witness for the Lord. The public came in there, and I got to tell people about Jesus. And I won a lot of souls at the restaurant, and I preached the gospel to every single person I could.

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(p. 144) Q. During the course, does anyone from the Foundation and during the course of these broadcasts or these tapes, do they make a pitch for money and ask for money?

(p. 145) A. No, we've never ever asked for money. We take an offering at our church services because it's a Commandment of God, and it's really so that if you give,

God can bless you. We have never solicited for money from anybody; we are totally self-supporting; we have never taken one penny from the Federal Government or from any of these agencies. There are a lot of people on welfare these days. We don't believe in that. We believe you can go out and make your own way. The Lord has taken care of all our needs.

Q. Do you have some people there that are not able to work or aren't able to do physical work or due to mental or emotional problems?

A. There are a few people. I know a couple of people who are legally blind and what they can do is limited.

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EDWARD MICK, called as a witness by and on behalf of the Defendants, having been first sworn, was examined and testified as follows:

Direct Examination

By Mr. Gean

(p. 156) Q. How did you become associated with the Foundation?

A. I was running a narcotic dope den in Hollywood, California, where I would go out and sell narcotics and drugs on Sunset Strip, Hollywood Boulevard, and I had ten other people working for me selling drugs. And they would bring me the money back. I ran this dope den for almost a year and a half or so.

Q. At that young age?

A. Yes. And I would smuggle heroin and also marijuana across the Mexican Border. That was during the period of time that the ————— were in Mexico. And I made quite a bit of money off of it. But it resulted in

a very expensive narcotic habit for myself. My morals had decayed to the point I had no inhibitions, no moral fiber at all; my principal thing, which was selling drugs to people, getting them on drugs, of if I couldn't sell it to them, I would give it to them. And it seemed that anybody's life that I had gotten involved with, somehow I would destroy it with the drugs, to the point that I would sell drugs to some individuals who had overdosed and died as a result of that. ☿

My life was very torn because of no moral values. I was raised in the state of Arkansas, educated in the state of Arkansas. My father was with the Criminal Investigation Department of the Blytheville Police Department. He had groomed (p. 157) me for West Point. But at the age of seventeen, I was mainlining hard drugs right to my arm.

That's when I went to California and opened this narcotic dope den and started smuggling. I was on the streets for I guess a year and a half or two. And Mr. and Mrs. Alamo—at that time I would see them out on Sunset Boulevard, Hollywood Boulevard, passing out gospel literature. And on a number of occasions I had even received gospel tracts from them, which I'd stick in my pocket and go about my merry sinful way.

I had gotten arrested by the Los Angeles Police Department and busted for they had found one kilo of drugs in my place, which I didn't even know was there. They would come in and break the doors down with fire axes, twenty or thirty police officers. And they tried to bust us for over a year and a half.

On this one occasion, there was a kilo of drugs in there. I was arrested, booked, taken to the Los Angeles Police

Department, put in jail. And a friend of mine who knew Mr. and Mrs. Alamo, I did not know them, went and told them I was in jail for pushing narcotics and drugs, that they had finally busted me.

Mrs. Alamo said she would do anything possible to help get me out so she could spend one hour with me to tell me the gospel of Jesus Christ, which I found out later after I became a Christian. I didn't know nothing about this at the time.

I went through the courts and they turned me loose on the (p. 158) streets. Within days, I was back out selling narcotics and drugs, shooting people up.

And after three or four days, this mutual friend took me over to Mr. and Mrs. Alamo's house. It was a shack behind a shack that was leaning several blocks off Hollywood Boulevard.

I walked in the door. It was decorated just very beautifully. Mr. and Mrs. Alamo greeted me. Tony extended his hand to shake hands with me. I came in and sat down. They preached to me the gospel of the Lord Jesus Christ.

I had attended churches throughout my childhood here in the south, the Bible Belt, all the basket socials, all the church functions, but I did not know that the blood of Jesus Christ could take away all my sins and was the answer to my problem.

When I would go to churches, their solution to me was to get a haircut and a job.

But, of course, Mr. Gean, my problem ran much deeper than a haircut and a job. My soul was sin-sick.

Mr. Alamo gave me his testimony and told me about the Lord Jesus Christ; Mrs. Alamo came in and she said, "Ed, you may escape every court of law down here on this side of eternity with what you are doing, destroying the lives of other human people." She said, "But at the judgment bar of God, you will stand accountable for every person's life you destroy with narcotics and drugs, and your soul will wind up in eternal (p. 159) burning hell."

Mr. Gean, when I heard that, I did some soul searching. I thought, well, I never thought that God is all loving, all forgiving, that he loves everything that I do, because I was the kind of animal that would—if somebody would overdose in my house, I would take them and dump their body. Nothing bothered me. I would wonder at times, "Why don't I have feelings like normal people?" I was just so calloused by sin.

Of course, living in Hollywood, California, you see just about anything and everything. I was nineteen years old, practically going on fifty. Sin had just hardened my life to the point I just didn't care if I lived or died.

At the time, I had contacted hepatitis from using dirty needles, shooting up cocaine and heroin. And I was very sick; I was sick unto death; I was puking my guts out in the streets. I didn't have enough sense, nor was I not loaded on drugs to the point so that I could even ascertain how bad my condition was. However, I was jaundiced when I finally got to a doctor.

But when I heard Mrs. Alamo say that and she told me, she said, "You know, God hears one prayer of the unsaved, the Sinner's Prayer, the prayer of salvation."

I said to myself, "Well, God, if you are up there, show me." I said, "I really need a personal experience. If you are up there, show me. My life has gone haywire and I've destroyed the lives of anybody I've ever come in contact with in one form or another, and if (p. 160) you are up there, please help me."

I got down on my knees, Mr. Gean, and I said the Sinner's Prayer, "My Lord, My God, come into my heart. I believe you are the Son of God, Jesus. I believe you died on the Cross and shed your blood for the forgiveness of all my sins. I believe that God raised you from the dead by the power of the Holy Ghost. I believe that you sit at the right hand of the Father making intercession for my sins. I know you have heard me; I know you have answered me, and I believe your word, the Bible."

Q. Did Susan lead you in this?

A. She most certainly did. I will never forget it. When I said that prayer, Mr. Gean, I felt something come over me like I've never felt before. I actually got scared. I felt the presence of the Spirit of God. I mean, I felt the burden of guilt and sin and the degradation in my life leave me. I felt clean, but I was scared and I felt the Spirit of God upon me. And I went to the door and I thanked them, and I was trying to get out the door and fiddling with the lock.

And I explained to Mrs. Alamo, I said, "I'll see you folks again." She said, "Ed, remember one thing. You are saved by the blood of Jesus Christ and that is your testimony."

Mr. Gean, that was the first Bible scripture I'd ever heard that I paid any attention to. As I walked back to

the dope den, I was running; I thought of the twenty to thirty (p. 161) people over there that I was supporting off my drug sales, as far as food and drugs and whatever.

I thought, "When I go back over there, I'm going to have to tell these people what happened to me, because I feel different inside. The Lord has truly saved me this day."

I had a motorcycle gang, chapter of the Hell's Angels, four or five of them standing over there, and we just partied continuously for in excess of a year or year and a half, it seemed. I went back over there and I told these people, I said, "I've had a supernatural experience today. Now, you know me; I haven't taken no acid or anything, but something has come over me." I said, "I met these two evangelists and they told me about Jesus Christ. And I got down upon my knees and I said the Sinner's Prayer. And when I did", I said, "I got saved." I said, "Let me tell you, I feel different. I want you people to meet these two people." I said, "I feel so good."

I said, "I'll tell you what, I'm going to get all the drugs out of here, all the guns out of here."

We had even so much as thought of having a shootout with the Los Angeles Police Department. At the time, we were planning for that. I said, "I want to get all this stuff out of here, the drugs, the guns, the booze, everything." I said, "I want you people, each of you, to take a shower and clean up and I am going to invite these two ministers over here to talk to you."

(p. 162) Well, everybody got a big kick out of it. But they decided that since I was the boss, they would go along

with it. So some of them, it was their first bath, some of them, they'd had maybe in ninety days.

Mr. Gean, I invited Mr. and Mrs. Alamo over. I didn't know if they'd even go along with this at the time. But I went back to them. I said, "Tony, Sue, would you two come over and tell these people at the dope den I'm running what you told me about the Lord and the Bible?"

Tony and Susan said, "We'd be delighted to take the gospel of the Lord Jesus Christ to those people."

That was four or five days after I was saved, they came over. Prior to that, I would go over there every day and I asked Mr. Alamo questions about the Bible, the Word of God. I would take a stenographer's pad with me. I was hungry; I wanted to know what God required of me in my life. And Tony would tell me what the scriptures say and he would tell where it was in the Bible, because I had to see for myself; I had to know. And I would look it up. I would read it and it was just like food, the bread of life to my soul.

So Mr. and Mrs. Alamo came over to Carios Avenue, the dope den that I was running. And they preached the gospel, the hell fire and brimstone version. Every person's hand in the dope den raised and they received Jesus Christ in their heart as a personal saviour.

(p. 163) Q. All of them that were there that day?

A. There was in excess of thirty.

I talked Mr. and Mrs. Alamo, I said, "Would you come over and teach us Bible, tell us what God requires of us?" All of them were eager. They said, surely, they would. A

Christian lady donated thirty or forty folding chairs; another Christian man donated a piano and some gospel song books.

That narcotic dope den that I was running that the Los Angeles Police Department and Narcotics Division tried to break up for a year and a half became our first church. We started having services there every night. Mr. and Mrs. Alamo would come in and read the Bible, teach us.

We would, in turn, go out and take gospel literature upon the streets of Hollywood, California, and pass them out to the other young people, "Hey, man, you don't have to live out here like a dog on the streets and die off drugs. There's hope and life in Jesus Christ."

Mr. Gean, we would bring them in in droves to services. Even during the course of our gospel services, which Mr. and Mrs. Alamo would lead every night, people would knock on the door during the services coming over there, and I'd open the door and let them in. They'd want to buy drugs from me, and I would say, "Just come in and sit down. I'll talk to you later about that. Sit down right here and listen to what's going on."

(p. 164) They'd wind up giving their hearts to Jesus Christ at the altar call, become born-again Christians, go out into the streets and get others.

And I saw many people's lives changed from the destruction of narcotics and drugs and see them kneel down right there at the altar and Mr. and Mrs. Alamo lead them to Jesus Christ, and see the glory of God shine upon their face, see them become new creatures right before me.

Mr. Gean, I've destroyed so many people's lives on narcotics and drugs that I feel a great necessity to go out and tell others. It's stuck with me now for thirteen years. And that is my principal activity with the Tony and Susan Alamo Christian Foundation.

Q. Did you say you lived in the Dyer area on Georgia Ridge?

A. I live on Georgia Ridge. I have a three bedroom home, rock home, overlooking a five acre lake, that is newly built for me and my wife. I have a little boy five years old. We have a beautiful home, washer, dryer, furniture. Mrs. Alamo came in and decorated it. Or, she's done such a beautiful job. It has a custom built fireplace, plush carpets.

Q. Who built the house?

A. Mr. and Mrs. Alamo built it for us.

Q. Did the associates —

A. Many of the Brothers and Sisters wanted to work on it, partake of the house-raising. I myself put the rock on it, (p. 165) learned how to do masonry work, put a great deal of the rock on it. Many of them were just eager and said, "Hey, I'd like to work on your house." "Thanks a lot."

They would come up from time to time until it was built.

Q. Is this the way you all perform these services or helps to one another?

A. People volunteer to do so, yes. Nobody is solicited; they volunteer.

Q. What do you do in the way of service or activities for the Foundation?

A. I witness and testify. I go out on witnessing chains, hospital wards, intensive care wards, to the streets, the highways, the byways, pass out gospel literature, and compel people to come into the house of the Lord.

Q. Do you do anything else with the Foundation?

A. I do some other activities if I am needed, or if I see a place where I can volunteer my services, I cheerfully do so.

Q. Have you ever worked at the restaurant?

A. Yes, I have on occasions. I've gone in and fry cooked, wherever I could help out.

Q. Who assigned you to those duties and responsibilities?

A. Well, Mr. Gean. I volunteered to do so. It wasn't that I was assigned or scheduled or anything like that. I would see a need and I would volunteer my services.

Q. It's difficult for me to understand how you can operate (p. 166) as many ventures as you have on that type of arrangement.

A. Well, Mr. Gean, when everybody is in a Christian spirit and willing to volunteer their services, it does work. It works quite effectively.

Q. Do you solicit money?

A. Oh, no, under no circumstances. Mr. and Mrs. Alamo have always taught us, when we were out in the streets, on many occasions people offered to give money, to just tell them no. We're not out there for that; we've never

solicited money on our television show, out in the streets, and if people even offer it, we've told them, "No. We're not here to receive money or anything like that. If you feel you should tithe, you can mail your tithes in." It's a great Christian testimony, because, you see, so many people are just out soliciting, and we never have done that. We don't believe in that.

. . .

(p. 168) Q. (BY MR. GEAN) The activities in which you are involved with the Association is motivated by what purpose? By what reason?

A. To spread the gospel of the Lord Jesus Christ.

Q. Is that a matter of your belief?

A. It most certainly is.

Q. Is it possible for you to keep records as to what you do for you to continue the efforts that you have in regard to (p. 169) your beliefs, the activities you have, the efforts you have in regards to your beliefs, the presentation of your religious beliefs? Can you keep records of everything you do?

A. No.

Q. On how many jobs do you work or how many efforts are you involved during the course of a day's time?

A. First of all, Mr. Gean, I don't really look at it as work. It's a service of love. I come out of such horrible sin and everything, I feel that my endeavors are directed toward winning other souls, and it's my responsibility. And it's strictly just a service of love to spread the Christian endeavors of the Tony and Susan Alamo Christian Foundation.

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(p. 175) Q. (By Mr. Gean) Mr. Mick, what expectation have you had of pay or wages or compensation for the services or activities you have performed on behalf of the Foundation?

A. I have never ever had any expectations of compensation nor wages. When I came to this Church, I was dying. You couldn't put a dollar price on anything like that. I owe my life to the gospel and missionary field and the endeavors of spreading the gospel of this church. Nobody owes me anything. I am the one who owes.

Q. You don't expect compensation at this time?

A. I would not even consider it.

Q. Do you expect compensation for some of your activities in the future?

A. Never ever.

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TONY ALAMO, called as a witness by and on behalf of the defendants, having been first sworn, was examined and testified as follows:

Direct Examination

By Mr. Gean

(p. 198) Q. Tony, would you tell the Court how many families or approximately how many families are dependant and are associated with the Foundation?

A. I don't have any idea.

Q. Are they numerous?

A. Yes.

Q. And these families are depending entirely on their substance from their association together in the Foundation and the Church of Tony and Susan Alamo Foundation?

A. As they have testified, some of them go out on outside (p. 199) jobs to help provide for everyone there. But, yes, they have built their homes there, their homes, their church, their cafeteria; they have put in roads, developed all that area, and their whole life is wrapped up into the Foundation property.

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(p. 202) I mention that we have a church, we have people there also.

Yesterday, we won over three hundred souls in Chicago. I've been told by Bob Jones University, Oral Roberts' people, and Billy Graham people that we we win—we're the strongest soul winning work in the country.

Q. Tony, these activities, businesses, or whatever they want to be called, have been determined to be related to the Foundation and exempt activities?

A. The IRS said they were all related to the Church.

Q. Have you been checked by IRS since the Certificate of Exemption was awarded to you?

A. We've been continuously checked by them. And they have dismissed all investigations on us. They have found that what we said we spent the money on, we did. We have—Sue and I never owned anything, not even the clothes on our back. We have corporate resolutions for

everything at the Foundation. They were all in order, and they dismissed—we have letters from them dismissing us from their investigation, two different letters from them.

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(p. 204) Q. Are the persons associated with the Foundation, do they come voluntarily to the Foundation, these people referred to as volunteers or associates?

A. Yes, they do. Well, just the month that my wife was so ill in the hospital, we won thirty thousand, four hundred, some-odd souls. Out of that, maybe one person volunteered to come to the Foundation to work. And we go a lot to rest homes where people are 80, 90, 100 years old. There's no hope of us ever gaining any monetary value from them or for them to—we are not in the business to build homes. I mean, we are not out to get people to come to the Foundation, to feed people. And those that volunteer, that say they really want to serve the Lord with all their heart, soul, and mind, and body, that really want to become evangelists, that want to become pastors, that want to give their life to the Lord, then they have to convince us without a shadow of a doubt before we ever take them in.

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(p. 205) Q. That are not in any way serving so far as performing work or activities or services for and on behalf of the Foundation (p. 206) or the Church, is that not right? There is many people in that category?

A. That is correct. Sometimes they will say, "If there is anything you people—or if you're on a new project, we can come in for a day or maybe a half day", and we wouldn't ever stop them from doing that if they wanted

to, just like any other church. If they attend and expressed a desire to help out a day or two, or for that matter every day, but occasionally there will be people that will volunteer to do things like that.

Q. You mentioned you go into the rest homes and the jails and you don't solicit any money?

A. Absolutely not.

Q. Have you ever even received any money from the rest homes or the jails or the people in the detention homes where you have served?

A. Well, the boys have told me that in some of them, they have said they wanted to give them some money. And the boys, I have just instructed them that if they wanted to, they just won't take it, that they could put it in the mail. So far, to my knowledge, I don't check on that, but I don't have any knowledge of any finances or money that we have received from them. We never drive for finances at all. We love to just support ourselves.

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(p. 207) Q. You've explained how the people came—would come to your association as volunteers, ministers, pastors, and this type of activity. Are those people free to leave at any time they want to?

A. Absolutely.

Q. Do they leave?

A. As I said, only if they have a great desire to go on in the ministry, the gospel field, have we the interest in doing the things that we do, build homes for them and so on. They (p. 208) have to be extremely dedicated in

that respect. The job issue in doing all these other things is very minute, or their ability to be able to function in any type of work is not at all required. It is their desire to serve the Lord.

Q. On any one particular job or one activity or one venture, are they assigned to do that for a specific period of time, or are they free to leave that and go to some other?

A. No, they are not assigned. If everyone sees the weeds growing up around the place, one of them will say, "Let's pitch in and get these weeds down. It could cause a fire hazard around here. We don't want to see our places burned down." They see it's getting a little busy over at one other place, they will run over there and help out. It's kind of wherever the problem exists they will go over and volunteer to do whatever needs to be done.

Q. Is that true as to the operation of your restaurant and your service station?

A. Yes, sir.

Q. Sewing facility and so forth?

A. Yes, sir.

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VOLUME III

ROLLIN SHELL, called as a witness on behalf of the Secretary of Labor, after being first duly sworn, testified as follows (Mr. Shell's testimony began on page 27 of Volume III):

Direct Examination

By Mr. Fitz

• • •

(p. 61) Assuming for a minimum wage of \$2.30 an hour in 1976, and assuming the Foundation has three hundred inside uncompensated workers who worked sixty hours a week for fifty-two weeks, have you computed how much minimum wages and overtime is due for them?

A. I did.

Q. Do you have that with you?

A. No, I don't have it with me.

(p. 62) Let me show you a document that has given to me entitled "Estimates, Three Hundred Employees, Sixty Hours per Week." Can you identify that document?

A. Yes, sir. I made it.

Q. Did you compute, based on the estimates, assuming the minimum wage of \$2.30 an hour, three hundred workers employed for sixty hours a week for fifty-two weeks, what they should have been compensated in minimum wages and overtime?

A. Yes, sir.

Q. What was that for 1976?

Mr. Gean: Your Honor, we will object to that. His question was based on sixty hours a week. I'd like to know how he came up with that, why he says sixty hours a week.

Mr. Fitz: Your Honor, that is based upon the depositions that were received in evidence yesterday. There was some fluctuations, some evidence in the depositions that they may have worked as many as sixty or sixty-five hours a week. Some evidence they may have worked as few as fifty-five hours, but, by and large, the average of sixty

hours a week is based upon the deposition testimony. We have used an average of sixty hours a week.

The Court: Okay, go ahead.

Mr. Gean: If Your Honor, please, note our exceptions to that.

The Court: It seems to me like the objection goes to (p. 63) The Court: (continuing) weight to be given the testimony as opposed to its admissibility. Certainly, this witness is competent to give the end product of his calculation.

Mr. Gean: Your Honor, I did not understand. Are you introducing the sheet which he used?

Mr. Fitz: I was planning on using his testimony.

Q. What did you compute in minimum wages and overtime compensation to be due to these three hundred uncompensated inside workers for 1976?

A. \$2,511,600.00.

Q. What was the minimum wage in 1977?

A. The same.

Q. \$2.30 an hour?

A. Yes, sir.

Q. Using the minimum wage of \$2.30 an hour and assuming the Foundation had three hundred uncompensated inside workers who were employed for sixty hours a week for fifty-two weeks, can you tell us how much minimum wages and compensation are due?

Mr. Gean: Again, we will raise the same objection.

The Court: You can have an objection all the way through.

Q. Can you tell us how much pay at the minimum wage and overtime is due for 1977?

A. \$2,511,600.00.

. . .

(p. 64) Q. Using the minimum wage of \$2.65 in 1978, and assuming the Foundation had three hundred uncompensated inside workers who were employed for sixty hours a week for fifty-two weeks, can you tell me what the minimum wage and overtime compensation you have calculated to be due to them?

A. That figure would come out to \$2,893,800.00.

Q. What was the minimum wage in 1979?

A. \$2.90.

Q. Using the minimum wage of \$2.90 an hour in 1979, and assuming the Foundation had three hundred uncompensated inside workers who were employed sixty hours a week for fifty-two weeks, could you tell us what they would be due in minimum wage and overtime compensation?

A. \$3,166,800.00.

Q. What was the minimum wage in 1980?

A. \$3.10.

Q. Using the minimum wage of \$3.10 an hour in 1980, and assuming the Foundation had three hundred uncompensated inside workers who were employed sixty hours a week for fifty-two weeks, can you tell us how much in

minimum wages and overtime compensation they would be due?

(p. 65) A. \$3,385,200.00.

Q. What was the minimum wage in 1981 and 1982?

A. \$3.35.

Q. Using the minimum wage of \$3.35 in 1981 and 1982, and assuming the Foundation had three hundred workers who were uncompensated and who worked sixty hours a week for the sixty-five weeks between January 1, 1981 and April 1, 1982, can you tell us how much minimum wages and overtime compensation are due?

A. \$4,572,750.

Mr. Fitz: Your Honor, I have no further questions of Mr. Shell at this time.

• • •

Cross-Examination

By Mr. Roy Gean, Jr.

(p. 95) Q. Mr. Shell, have you ever investigated any other group, whether it be a business, profit, non-profit institution that has what is called volunteers or persons who work without the expectation of pay?

Mr. Fitz: Your Honor, I object to that on the grounds it is not relevant. It is not a matter before the Court.

The Court: That is overruled.

Mr. Gean: (continuing)

Q. Can you answer my question?

A. Yes, sir.

Q. Can you give me the names of them?

A. Every hospital has the Gray Ladies. Salvation Army has volunteers. United Christian Associates has volunteers. I've been in numerous hospitals where the Gray Ladies were.

Q. Have you ever claimed the Gray Ladies should be paid?

A. No, sir.

Q. Have you ever claimed the volunteers of the Salvation (p. 96) Army should be paid?

A. I never have run into the volunteer question out there. I haven't been in an area where that was present.

Q. I am sure you are acquainted with the activities of the Salvation Army. It has various corporations. The Southern Corporation is located in Atlanta, Georgia, and they have a huge network of Salvation Army citadels across the South. Are you acquainted with that?

A. Yes, sir. Generally familiar with it.

Q. And they have people that volunteer in there?

A. I don't know. I haven't had the opportunity to find that out.

Q. You have never been requested to investigate it?

A. No.

Q. And never have investigated it?

A. I have activities in the government contracts.

Q. I am talking about as to volunteers?

A. No.

• • •

(p. 97) Q. You have been with the Department for over twenty-five years and I am sure you go to meetings of other investigating officers such as yourself, and you discuss this matter with attorneys and with the various persons in an administrative capacity with the Secretary of Labor. Have you ever heard of them, people who have volunteers, being investigated?

• • •

(p. 98) Q. Can you answer the question? Go ahead and answer?

A. Yes, sir.

Q. You have heard of them being investigated?

A. Yes, sir.

Q. Have they ever required that those volunteers be paid? I am talking about the Secretary?

A. I don't know the outcome, no, sir.

Q. Do you have any knowledge of any of them ever having been subjected, by the Secretary of Labor, to a requirement to pay or request to pay those volunteers?

The Court: Wait a second. Are you talking about the Moonies and people like that? Haven't there been investigations of the Moonies and haven't there been requirements by the Secretary of Labor that they pay?

Mr. Gean: There haven't.

The Court: I thought you cited me a case.

Mr. Gean: That was *Turner vs. The Unification Church*. That was an individual that brought that case

under Section 216, which was the same principle of law would apply. The 217 is the injunctive relief requested by the Secretary, and the 216 is the right under the same set of laws for the individual (p. 99) to bring the action. In that particular case, *Turner vs. Unification Church*—

The Court: I read the case.

Mr. Gean: —it was clearly said she was a volunteer and she did not expect compensation, and her claim was dismissed or her cause of action was dismissed. And it was upheld in the circuit court.

The Court: It was not upheld on that basis, though. Let's don't argue about that case. Go ahead.

Mr. Gean: (continuing)

Q. There's been investigations that you know of in these areas about which we have just been discussing?

A. There's been investigations in all areas that I've heard of. Now, being able to quote one, I don't know.

Q. Have you ever in your own experience requested or found that these organizations about which we are speaking should pay the volunteers any sum by virtue of the Fair Labor Standards Act?

A. Yes, sir.

Q. You have requested that?

A. Now, when you are talking about organizations, are you talking about what we are investigating?

Q. I have described the type of organization we are talking about. We have mentioned the Salvation Army, and I think you mentioned Abilities Unlimited and you mentioned hospitals. (p. 100) Q. (continuing) Perhaps

you mentioned others, but those are the ones that come to my mind now. And you have investigated that type of institution?

A. Occasionally, yes.

Q. And you have directed that they pay the volunteers?

A. I have directed them to pay all people that was on a clear—If they was producing goods for commerce in their operation and it was a part of an integral operation, if they contacted the public, did the work on that, yes, sir, I would generally do that.

Q. You would generally do that?

A. Yes, sir.

Q. Who have you done that with?

A. Well, Mercy Hospital in Brownsville was one.

Q. Brownsville, Texas?

A. Yes.

Q. You required that they pay volunteers, is that what you are telling this Court, people who do not expect compensation?

A. No. I am not saying that.

Q. That is what I am asking you, Mr. Shell. Maybe I am not making it clear to you.

A. We are not getting together on it. What I am saying is that people who would ordinarily be considered volunteers weren't, in fact, volunteers. They had made an agreement to be paid. We've had a lot of that. And they were drawing pay.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

BEFORE:
HONORABLE WILLIAM R. OVERTON
UNITED STATES DISTRICT JUDGE

NO. 77-2183

RAYMOND J. DONOVAN
SECRETARY OF LABOR
UNITED STATES DEPARTMENT OF LABOR
Plaintiff

V.

TONY AND SUSAN ALAMO FOUNDATION,
TONY ALAMO, SUSAN ALAMO, AND
LARRY LAROCHE
Defendants

TELEPHONE DEPOSITION OF
DONALD MCLEAN WYLIE
Tulsa, Oklahoma

April 6, 1981

REPORTED BY DAVID G. HARJO, CRS, RPR
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Donald McLean Wylie, having first been duly sworn to tell the truth, the whole truth and nothing but the truth, was examined and testified as follows, to wit:

Direct Examination

By Mr. Fitz:

. . .

(p. 8) Q. What were you doing with the Foundation when you were located in Arkansas?

A. Any of a number of things. But from '76 to '78 (p. 9) when I left, I was involved with the — what they called the “work crews,” you know, framing buildings, putting roofing — you know, putting roofs down in Fort Smith.

Q. During this period of time, where did you live?

A. I believe that from '76 to '78 Kathy and I lived in a house that was called “The House on the Ridge” in Des Arc, Arkansas.

Q. When you say you worked with the framing crews during this period of time, would you please tell me what the framing crews were and what you did?

A. The framing crews were crews of construction people that would go downtown and bid out a job and we'd go ahead, you know, four or five of us would come in and do the job and then look for another job.

Q. What name would you bid out the job under?

A. It was Alamo Construction, usually.

Q. How many framing crews were you aware of that were doing this?

A. Approximately four to six, maybe seven.

Q. And how many members were on each crew?

A. It varied, of course, but from three to seven. If it was a big job, maybe ten or fifteen.

Q. Would the crews be made up entirely of members of the Tony and Susan Alamo Foundation, or would there be other people on the crews?

(p. 10) A. No, just members of the Foundation.

Q. How many days a week did the crews work?

A. Six.

Q. And what time in the morning did the crews get started?

A. We'd get up about 5:00 in the morning and eat breakfast and be on the job by 6:30.

Q. How late in the evening did the crews work?

A. Until the sun went down usually. 7:00.

Q. Was there a break for a midday meal?

A. Yeah, there would be a break for lunch.

Q. How long would that break last?

A. From a half an hour to an hour.

Q. Did the crews ever do any work after the sun went down?

A. Oh, yeah. We wouldn't work on the jobs in the City of Fort Smith after the sun went down. We'd come home, eat, then go work on a Foundation project.

Q. Was that every day of the week for six days of the week?

A. Yes, sir.

Q. How late would you work on the Foundation project?

A. Depending on the agency—from 11:00 to 2:00 in the morning.

(p. 11) Q. Do you know whether or not any records were kept of the hours the members of the framing crews worked?

A. No, there were no records kept.

Q. Were the members of the framing crews paid any wages?

A. No.

. . .

Q. How did the members of the framing crews know which crew they were going to work on and where they were going to work? Were there any instructions given by anybody in the Foundation as to what was to be done?

A. Well, I remember on many occasions that during—Tony would get a finance list at night and “brothers” that were in charge of these various crews would submit lists of people that—to work on these crews and he would assign who was to work where.

. . .

(p. 12) Q. Were there any members of the Foundation that were in charge or in a supervisory capacity?

A. They might oversee the situation but, no, nobody was delegated any authority to tell anybody what to do, no.

. . .

(p. 13) Q. Have you ever heard the expression, “outside workers” in connection with the Foundation during the period from January 1st, 1976 through June 1978?

A. Yes, sir.

Q. What does the term “outside workers” mean to you when it’s used in connection with the Foundation?

A. Now, there are one of two meanings it could well have been. I’d heard it many times. But one was people that worked for a wage that weren’t really actually members of the Foundation. When we needed some expertise in an area, for example, a shaft or somebody to run a business that we were just starting and didn’t know anything about, they would get a paycheck at the end of the week, and they were considered “outside workers.”

. . .

(p. 14) Although at the same time, the people like myself that worked in the crews downtown were thought to have worked for “outsiders.”

. . .

(p. 21) Q. Are you familiar with about how many other people were associated with the Foundation in Alma or Des Arc, Arkansas since January 1, 1976?

A. The number would vary, but as a rule it was somewhere from 150 to 300 people.

Q. How many of these people were actually working in the different businesses that the Foundation operated?

A. It’s a guess, but I’d say that 80 percent—well, 70 to 80 percent of the people in Arkansas would work the businesses.

Well, no, if you're going to consider Alamo Construction as part of the businesses, then I guess 100 percent.

. . .

Cross-Examination

By Mr. Gean

(p. 22) Q. Mr. Wylie, what was your contact about this case?

A. I don't know. It just appeared. The Labor Department called and that was about it.

Q. Why did the Labor Department call you?

A. To ask me if — if I could give them any information.

. . .

(p. 26) Q. And you were disassociated, I believe you said, sometime in June. You said June 1st, 1978, or in June of 1978, is that right?

A. Yes, sir.

Q. And what caused the disassociation?

A. Just disillusionment with what was happening.

Q. And how long had you been disillusioned?

A. It was — it was a gradual matter. I started to notice things — I don't know when exactly — you know, it's just a matter of building on itself.

Q. And it took some seven or eight years for it to build?

A. No. The disillusionment didn't start until toward the end there.

(p. 27) Q. And when was that?

A. Oh, probably in the last three years.

Q. What way was there disillusionment?

A. Just in the misleading statements and the use of the finances and the like.

Q. Who made the misleading statements?

A. Tony and Sue.

Q. Who?

A. Tony and Sue.

Q. Anybody else?

A. Well, only inasmuch as they were their vocal — they spoke for Tony and Sue.

Q. Uh-huh. And what were those misleading statements?

A. Oh, any of a number of things having to do with money as a rule.

Q. Can you be specific?

A. Okay. One specific would be an announcement over the pulpit to the effect that money was being sent to missionaries in Africa, which just wasn't the case.

Q. When was it that those statements were made?

A. Probably in the last year I was there, although that's a guess.

Q. All right. Any other such statements?

A. Just — just statements that were made early in (p. 28) the game that came — you know, that didn't come to pass. For example —

Q. Can you tell me what those are?

A. Oh, they were promises to the effect that we were going to be ordained as ministers and be sent out and all that sort of thing early in the —

Q. Who gave you that promise?

A. Either Tony or Sue, I don't know which.

Q. You don't remember which one?

A. No, although I would guess it was Susie, since she's in charge.

Q. Well, when was that?

A. Oh, that was very early in the game that those statements were made, although —

Q. Back in early 1970?

A. Yeah, the '70's.

• • •

(p. 30) Q. How were you living?

A. I have an income from a trust that supported me.

Q. Do you still have that income?

A. Yes, sir.

• • •

(p. 32) Q. I don't believe I got your address there. Would you give it, please.

A. Gee, I'd rather not.

Q. Why?

A. Because they'll show up for sure.

Q. Who will show up?

The Witness: Mr. Fitz, are you there?

Mr. Fitz: Yes, I am.

If Mr. Wylie is fearful of retaliation, I think this would be an appropriate matter to let Judge Overton decide as to whether or not he should be compelled to give his address.

Mr. Gean: I mean, as far as where they're actually ing over there, I think it's probably common knowledge, probably in the phone book, isn't it?

The Witness: No, it's not in the phone book.

Q. And are you in the City Directory?

A. No.

Q. How long have you lived there?

A. Three years.

Q. And you refuse to give your address because

• • •

(p. 33) A. No.

Q. —fearful of retaliation?

A. No, I'll go ahead and give it because I suspect that they know where I live. I live in the Graduate Housing, and my address is 7712 B, as in "Big," South Victor, 74136.

Q. What's the 74136?

A. That's the zip code.

Q. And that's in Tulsa?

A. Yes, sir.

Q. And you and your wife live there?

A. Yes, sir.

Q. Do you own that place?

A. No, sir. It's a rent.

Q. And what it is, an apartment?

A. Yes, sir.

Q. I think they know where you live, don't they?

A. Yeah, that's why I'm going to go ahead and give you the address.

Q. But you were fearful of retaliation. What is it that indicates to you that they would retaliate?

A. Just, you know, they've gotten nasty with people that have given them trouble in the—

Q. Have they ever with you?

(p. 34) A. Not so far, no.

Q. Who have they gotten nasty with?

A. Oh, John Malone in California and Mrs. Wizel, a lady who years ago brought a suit against them, they threatened her with rape and all the rest of it.

Q. What have they threatened John Malone with?

A. That was—they directly didn't threaten them. I think one of the members of the Foundation that had the impression that John Malone had told Tony and Sue that they were—that this person was an inside connection, this person left the Foundation to go and get, as it were, John Malone.

Q. Now, is this Tony and Sue Alamo have made these statements or made these threats?

A. No, I don't think so. They have a way of prompting people to do things without really telling them directly what to do.

Q. Well, who actually made the threat to John Malone?

A. I don't think it ever became a threat. I think the story—now, this is all hearsay, you know. What I hear is—

Q. Where did you hear this, John Malone?

A. Yeah.

Q. And he was telling you about what other people (p. 35) had done in the way of making threats to him, is that correct?

A. Well, he told me about this incident. I don't think it really did come to a threat in the final analysis.

Q. Well, what was the incident?

A. One of the people in the Foundation, Tony and Sue—the story has it, now, this is hearsay—

Q. This is from John Malone?

A. Right.

Q. All right.

A. Someone in the Foundation was told by Tony and Sue that he was a connection, that John Malone had told someone that he was a connection inside the Foundation to filter information out. This person got upset, left the

Foundation, I hear, armed, and went up to Modesto, California and tried to call John at his real estate agency. John wasn't in, and he asked John—you know, he left a message for John to meet him somewhere in Modesto.

John got suspicious and didn't show up. And then later in time one of the people in the Foundation that left—you know, that was there during this incident, told John Malone what had transpired.

. . .

(p. 42) Q. Did you ever sign an affidavit in this particular case that we're involved now in regard to the (p. 43) taking of your deposition?

A. I don't remember signing an affidavit, no.

Q. Do you remember in January of 1978 of signing any documents?

A. Well, I just—

Q. In regard to this particular case?

A. No, I can't remember having done so. I might well have but I just don't remember.

Q. Well, one of the paragraphs in it reads as follows, maybe this will refresh your memory.

"I state on oath that all work, labor, services or the like which I may have performed for the Tony and Susan Alamo Christian Foundation was done and performed by me strictly as a volunteer."

Does that help refresh your memory?

A. No, I don't ever remember signing that, no.

Q. "I state that at the time of performance of such work, labor or services, I had no agreement for the receipt

of salary or wages and that I did not expect to receive salary or wages and that such activities as I may have pursued were accomplished for my own satisfaction and not for the expectation of salary or wages."

Do you remember that?

A. Am I supposed to have signed this before I (p. 44) left?

Q. Well, it was in—I think you said you left in June of 1978, and this is dated the 15th day of January, 1978.

A. Well, I sure don't remember signing that, no.

Q. Well, is that true?

A. Well, I just don't remember signing it, no.

Q. Are the statements that I read to you true?

A. Well, I knew I was going to get no wages, yeah, that's true.

Q. Sir?

A. I knew good and well I'd get no wages.

Q. Well, did you do these services as performed strictly as a volunteer as stated here, is that true or false?

A. That's a hard one to answer.

Q. No, sir, it isn't. It shouldn't be.

A. Restate the question.

Q. Is this statement, that the work, labor or services performed by you were done and performed by you strictly as a volunteer, is that true or false?

A. Inasmuch as I knew I was getting no wages, I suppose you could call me a volunteer, right.

Q. Well, what did you call yourself?

A. I thought I was working for the Lord.

(p. 45) Q. So yours was—you thought this was a Christian endeavor, is that right?

A. Yes.

Q. A Christian movement.

A. Uh-huh.

Q. Now, since that time you have apparently decided that it is not.

A. Right. Over a period of time I came to realize that was the last thing that it was.

Q. Now, from the time you came with the Foundation in May, June, July or August of 1970 until sometime in 1978, you thought it was a Christian foundation or a Chrisitan effort, but after that time, after sometime in 1978 you decided contrary-wise, is that correct?

A. Well, yeah, over a period of time I came to realize that my efforts weren't being channeled into anything that was gospel oriented, no. I came to realize that, and that's why I left.

Q. Well, did you come to realize that by January the 15th, 1978?

A. Fully.

Q. Sir?

A. Well, that was the point at which I was able to make myself leave finally, yes.

• • •

(p. 47) Q. You had income of your own then, while you were at the Foundation?

A. Yes, sir.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

BEFORE:

HONORABLE WILLIAM R. OVERTON
UNITED STATES DISTRICT JUDGE

NO. 77-2183

RAYMOND J. DONOVAN
SECRETARY OF LABOR
UNITED STATES DEPARTMENT OF LABOR
Plaintiff

V.

TONY AND SUSAN ALAMO FOUNDATION,
TONY ALAMO, SUSAN ALAMO, AND
LARRY LAROCHE
Defendants

TELEPHONE DEPOSITION OF KATHY ANN WYLIE
Tulsa, Oklahoma

April 6, 1981

REPORTED BY DAVID G. HARJO, CSR, RPR

APPEARANCES

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KATHY ANNE WYLIE, having first been duly sworn to tell the truth, the whole truth, and nothing but the truth, was examined and testified as follows:

Direct Examination

By Mr. Fitz

• • •

(p. 8) Q. When you made up the schedule for the girls working in the restaurant, how many shifts were working there?

A. For a while when we first opened the restaurant, and I would say through '76 at least—see, it varied. Some of the girls—five or six or seven of the girls would work anywhere from twelve to sixteen hours a day, and then there would be others that would come in and just fill in during the busy times.

So it varied. There was two definite shifts. There was one that started 7:00 in the morning and went anywhere from 8:00 to 12:00 at night, and then there was another shift of four girls that worked from 12:00 to 7:00 the next morning.

Q. How many days a week was the restaurant open?

A. It was open seven days a week.

Q. Did these shifts work on all seven days a week, or did they have any days off?

A. The only time that you had off was if you took turns going to the Sunday services, which were between 3:00 and 5:00 on Sunday.

Q. You mentioned the sewing room across the street from the restaurant. What did you do in the sewing room (p. 9) since January 1, 1976?

A. Well, I was in charge of making up the schedule for the girls in the sewing room and just checking up to make sure that everybody was there, getting the money approved for the different garments that had to be made to buy the materials to make them.

Q. How many girls worked in the sewing room?

A. Oh, it would range anywhere from nine to sixteen, seventeen. It always depended on how much work we had to get out. If you weren't working in the restaurant, you just floated more or less over to the sewing room, wherever you were needed; whichever place was the busiest is where we would place the girls.

Q. How many days a week was the sewing room in operation?

A. It was open seven days a week. It all depended, sometimes we'd work three and four days straight in a row without any sleep or even a break.

Q. How frequently did that happen?

A. Pretty frequently when the—I would say in '76, an awful lot, because that's when the store had not been open that long and we were doing a lot of special orders.

Q. What would happen to the clothes that were made in the sewing room?

(p. 10) A. They would be sent to Nashville or to the store there in Alma, usually to Nashville though, and they would be sold.

Q. When you weren't working around the clock in the sewing room, was there any generally scheduled starting time there in the morning?

A. Yes, you had to be at work between 8:00 and 8:30, and the average day you worked until 8:00 at night. And if you were what they called the "main sewer," a person that cut out a lot of the patterns or knew how to do a lot of the specialized work, it was not uncommon to work until 12:00 or 1:00 in the morning.

Q. And you mentioned the grocery store. Did you work any in the grocery store?

A. I worked in the grocery store only when it first started, just helping stock and do miscellaneous.

Q. Was this after January 1, 1976, or before January 1st?

A. I—you know, I can't remember. I'm not sure of the date.

Q. When you were working in the restaurant, sewing room, clothing store and the grocery store—I don't think I asked about the clothing store.

Did you work in the clothing store in Alma?

A. I worked in the clothing store in Alma. (p. 11) Originally it was across the highway from the restaurant. Then it was moved over to the same side the restaurant was on, next to the gas station, and that's when the girls started working in there, and we did the stocking and tagging, things like that.

Q. What was the starting time for the workers in the clothing store?

A. It opened at 10:00 and was open until 2:00 A.M.

Q. Would the workers in the clothing store be there all during that period?

A. There was about four girls that worked there, and I would say about two out of the four would work until the 2:00 A.M. and the other two would go home, usually around 10:00 or 11:00. It all depended on how busy it was.

Q. Going back to the grocery store. When you worked there, how many people were working in the grocery store?

A. I would say about four at the time. There were two main ones and two that were not the main ones.

Q. What hours was the grocery store open since January 1st, 1976?

A. If I remember right, I think the grocery store was open twenty-four hours, seven days a week.

Q. Was this on a shift schedule also, like the (p. 12) restaurant with different shifts of workers coming in?

A. Yes, to my knowledge there was two shifts.

Q. You mentioned making out the schedules for the girls.

After the schedules were made out and the girls actually worked, were any records kept of their hours of work?

A. No. The only records were the paper that I made the schedules on, and I would tell the girls individually what hours they were working. I never kept any of them.

Q. Were the girls that were working in these various businesses paid any wages, to your knowledge?

A. No, they weren't.

• • •

Cross-Examination

By Mr. Gean

(p. 16) Now, you were 18 when you came to the Foundation?

A. I think I just turned 18 in December.

Q. And you had never been married?

A. No.

Q. You married a Mr. Seay, S-E-A-Y?

A. Under Susie's instructions, yes.

Q. Oh, she instructed you in that?

A. Yes, she did.

Q. You did not voluntarily do that?

A. No.

Q. Where were you married?

A. In the Foundation.

Q. Who married you?

A. Tony and Sue.

Q. And what happened to Mr. S-E-A-Y?

(p. 17) A. Susie threw him out.

Q. Why?

A. Because he was trying to convince me to leave. He did not believe that what Tony and Sue were doing was scriptural, was ethical, and I would not leave. I thought that — at the time that it was — it was very — what Tony and Sue were doing was very right and I did not agree with him, so Susie asked him to leave.

Q. So you stayed there?

A. Yes.

• • •

(p. 18) Q. I believe you stated that you had had a deposition taken before.

A. Yes, I have.

Q. Where was that?

A. It was a Nashville attorney when Lydie Wizel was bringing a lawsuit against the Foundation.

• • •

Q. And actually where were you residing at that time?

A. I was living in Nashville with Tony and Sue.

Q. Is that what your deposition shows?

A. I think so. Unless at the time I was supposed to have given the Solveys' address, I can't remember what I was instructed to do at the time.

(p. 19) Q. Uh-huh.

A. I might have given the Solveys' address.

Q. Was your statements not true, or were they the statements of others?

A. I have read it since I have left, and I would say a lot — I was not at any freedom at the time of that deposition to say what I wanted to say.

Q. Who was present when the deposition was taken?

A. Tony was.

Q. He was in the room?

A. Yes, if I remember right.

Q. And was he instructing you what to say?

A. I had been instructed by Susie before I went as to what to say.

Q. And you didn't tell the truth, you told what Susan told you to say?

A. To my knowledge, the only thing — the thing that I lied — yes, I did lie on it.

Q. You did?

A. Yes, I did.

Q. Under oath?

A. Yes, I did.

Q. Well, do you understand what the taking of an oath is?

A. Well, at the time when I was in the Foundation (p. 20) you're taught that if it furthers the gospel then it is not a lie, and I really believed that.

Q. Who taught that?

A. Tony and Sue teaches that.

Q. And did they teach that to others as well as to yourself?

A. Yes. We have all lied many times on the court — on the stand.

Q. We have "all"?

A. Yes, a lot of the members of the Foundation.

Q. Who else have lied on the stand?

A. Well, for instance, when we had a — when the Health Board tried to close us when we had our church at Crescent Heights in Hollywood, California.

Q. Tell me some of the other people that lied on the stand?

A. Well, I'd have to — I would have to look back on the records and see who else was on the stand, but all of us were instructed as to what to say. We all lied.

Q. All of you lied?

A. Yes, we did.

Q. And that was out in California?

A. Yes.

Q. You don't remember any names?

(p. 21) A. Oh, I remember some, yes.

Q. Give me their names.

A. Oh, I remember Ed Mick, Tom Gorbea —

Q. All right.

A. — myself.

Q. Who?

A. Myself.

Q. All right.

A. And I can't remember specifically who else they were but I know that we were all instructed as to what to say before we took the stand.

Q. And who instructed you?

A. Tony and Sue.

• • •

(p. 22) Q. When they took your statement in Nashville, Tennessee for some case you said, Mrs. Wize was suing the Foundation —

A. Uh-huh.

Q. — did you tell the truth in that?

A. No, I did not.

Q. Did you think you were?

A. Yes, at the time. I thought I was protecting the gospel.

Q. What did you tell that was not the truth in your statement at Nashville?

A. They asked if — if that the whole episode was pre-planned, and I said "No," but it was.

Q. What episode?

A. The beating up of Lydia Wize. I told them in my deposition that she attacked us and that she came to the church to cause trouble, and it was not true.

Q. And that was an untrue statement?

A. Yes, it was.

Q. What else in there?

A. Oh, and the fact that Sue had instructed us (p. 23) as to what to do before Lydia ever got there, and we were only following orders. And I asked if we were, if Susie knew anything about it, and I said, "No, that Tony and Sue did not even know anything about the incident and Susie was on the phone in the church the whole time during the incident."

Q. Did anybody else know about that?

A. Yes.

Q. Who?

A. The girls that were involved with me.

• • •

Redirect Examination

By Mr. Fitz

(p. 41) Q. Mrs. Wylie, why did you leave the Foundation in the middle of the night at three o'clock in the morning?

A. Because we were afraid of physical violence, physical harm to us.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

BEFORE:
HONORABLE WILLIAM R. OVERTON
UNITED STATES DISTRICT JUDGE

NO. 77-2183

RAYMOND J. DONOVAN
SECRETARY OF LABOR
UNITED STATES DEPARTMENT OF LABOR
Plaintiff

V.

TONY AND SUSAN ALAMO FOUNDATION,
TONY ALAMO, SUSAN ALAMO, AND
LARRY LAROCHE
Defendants

TELEPHONE DEPOSITION OF
RICHARD T. HYDELL
New York, New York

April 9, 1981

REPORTED BY BRADLEY SELF,
S & S REPORTING CO., INC.

APPEARANCES

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For the Defendants:

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RICHARD T. HYDELL, having been first duly sworn
by a Notary Public of the State of New York, was exam-
ined and testified as follows:

Direct Examination

By Mr. Fitz

• • •

(p. 9) Q. While the brothers in the foundation in
California were working in Bakersfield—in the fields,
were they drawing paychecks?

A. Yes, pretty much. They would work at different
farms, whether it was Superior or Armstrong or what-
ever, the nurseries that they were—they would be paid
by check and then, they would give it to the foundation.

If it didn't work like that, then, a (p. 10) lump sum
was given to the person in charge of the crew and that was
turned over to the foundation.

Q. How about the construction jobs in Los Angeles that you described?

A. Okay.

If they were working on a construction job, they would probably go bid it out like most construction crews. If they received the job, then, they would do the job. When it was finished, usually, as far as I know, one check was made out to whoever was in charge of the crew, one of the particular brothers and then, it was taken up to the office and given to the office, the people in the office.

. . .

(p. 14) Q. You said you left California in about May, 1977.

Can you tell us why you left California?

A. I was called out to Arkansas, like most people are.

Tony and Sue pretty much tell people, or (p. 15) they do tell people where to live, where to go, what jobs to do, and I got the word to go to Arkansas, and I went.

Q. How did you get from California to Arkansas?

A. Commercial airline.

I used commercial airlines sometimes when travelling, if I had to go to a fashion show, if I had urgent business with Tony, otherwise I went by foundation vehicle, which was probably a car or a van.

Q. And when you got to Arkansas, what did you do?

A. I reported to Tony and Sue and I was told, I would be on the construction crew and I started working with the construction crew.

Q. How many members were on the construction crew?

A. I would say about ten.

I'd say about, and I usually use the term, a rough estimate, because people switched jobs once, fairly often and of course, it was at the direction of Tony and Sue, but it was an average of about that amount, that I am giving you.

Q. Was there anybody in charge of the construction crew? (p. 16)

A. I believe Mike Borac was in charge.

Q. How do you spell that name?

A. I think it's Mike B-O-R-A-C.

Q. What type of construction activity was the construction crew engaged in?

A. Usually, laying slabs for buildings, driveways, building block walls, most basic construction type of jobs.

Q. How long did you work for the construction crew?

A. I would say about four — about four months, four and a half months.

Q. About how many hours a day did you put in working while you were working for the construction crew?

A. It averaged about twelve.

Q. How many days a week was that?

A. I would say six.

Q. Were any records kept of your hours of work when you were working for the construction crew?

A. Not that I was aware of.

Q. Were you paid any wages while you were working for the construction crew?

(p. 17) A. No.

Q. Did the foundation receive any monies from the construction job that you were working on, to your knowledge?

A. Yes. Well, if we went to a job and the job was bid out for a certain amount of money and the construction crew got the okay to do the job, at the end of the job, usually, one lump sum was given to whoever was in charge and that was, in turn, given to the foundation.

Now, part of my time with the construction crew, I worked on foundation business which was the foundation clothing store in Arkansas.

Q. All right.

After you worked on the construction crew, what did you do?

A. I went with the Fort Smith Mobile Nursery, which is a part of the foundation.

Q. What part of the activities was it engaged in?

A. Well, the nurseries constructed jobs for different people in the Fort Smith and surrounding area. If they were given the job, they would go, automatically do the job, commercial, pretty much private (p. 18) houses.

Q. How many people were on the Fort Smith Mobile Nursery crews with you?

A. Between four and six, depending on the weather.

Q. Was anybody in charge of that crew?

A. I believe Gary Waller (phonetic spelling) was.

Q. How long did you work on the Fort Smith Mobile Nursery crew?

A. I would say about five months.

Q. And can you tell us about how many hours a day you worked while you were on that crew?

A. I would say it averaged about twelve hours a day, six days a week.

Q. Were any records kept of the hours you worked when you were working on the Fort Smith Mobile Nursery crew?

A. Not to my knowledge.

Q. Were you paid any wages when you worked on that crew?

A. No.

Q. Do you know if Fort Smith Mobile Nursery received any monies or income from the various people (p. 19) that you were doing landscaping for?

A. Once the job was finished that the mobile nursery contracted out and then, that money was given to whoever was in charge of the crew and that was taken up to the foundation's office and then turned in.

Q. What did you do after you were working for Fort Smith Mobile Nursery?

A. I went on Alamo Expert Roofing, another part of the foundation.

Q. How long did you work for Alamo Expert Roofing?

A. I would say four, four and a half months.

Q. What did you do for Alamo Expert Roofing?

A. I helped with the roofing of homes, industrial buildings, things of that nature.

Q. How many people worked with you in that job?

A. I would say on the average, four or five.

. . .

(p. 22) Q. Have you ever heard the term outside workers in connection with the foundation?

A. The only time I can recall that term being used is, if there was a particular job that had to be done for a particular business, within the foundation and they, if — if someone didn't know how to do this, then, they would hire someone, not necessarily until the job was done, but until the brothers or sisters could get an idea on how to do the job and then, I believe, that is what the term outside workers was used for.

. . .

Cross-Examination

(p. 50) By Mr. Gean

Q. During that period of time, did you go to the worship services that you were associated with in the foundation during that time?

A. Right.

Q. How often did this occur?

A. Well, in the beginning, it was every (p. 51) night.

Q. Did you go in the morning also?

A. If there was a service in the morning and Tony wanted people there in the morning, yes, I went.

Q. And how long did the services last?

A. It varied. It could be anywhere, I would guess, from an hour to two, more close to two.

Q. That is the evening services?

A. Yes.

Q. That is every night?

A. Right, and twice on Sunday.

Q. What about in the morning?

A. Well, in the morning, it was usually, if Tony had called a meeting to — everybody there to discuss different things that he wanted to discuss or Sue wanted to discuss.

Q. Now, did you have bible study periods other than these times, which I have referred to, as a worship time?

A. Sure.

Q. How much time did you spend in bible study?

A. Well, in the beginning — well, it varied (p. 52) from the time I got there until afterwards, and I stayed — I would say it averaged in the beginning, to a couple of hours a day. Maybe more. It went up to three or four, easily.

. . .

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

BEFORE:
HONORABLE WILLIAM R. OVERTON
UNITED STATES DISTRICT JUDGE

NO. 77-2183

RAYMOND J. DONOVAN
SECRETARY OF LABOR
UNITED STATES DEPARTMENT OF LABOR
Plaintiff

V.

TONY AND SUSAN ALAMO FOUNDATION
TONY ALAMO, SUSAN ALAMO, AND
LARRY LAROUCHE
Defendants

TELEPHONE DEPOSITION OF RALPH J. MALONE
Modesto, California

April 14, 1981

REPORTED BY AMY MANGES, #5296
APPEARANCES

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For the Defendants:

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RALPH J. MALONE, being first duly sworn by the
reporter-notary, testified as follows:

Direct Examination

By Mr. Fitz

• • •

(p. 5) Q. When you were working as a driver, how
many days a week were you working?

A. Usually six, but sometimes seven.

Q. And how many hours a day were you working?

A. Well, that was flexible also. It was usually—
started from around nine o'clock in the morning and
would end around midnight.

Q. Were any records kept of your hours of work
when you were a driver?

A. No.

Q. Were you paid any wages when you were a
driver?

A. No.

Q. When you were working at the—you say it was a
clothing store on Vine?

A. Yes, sir. It was pronounced The Alamo.

Q. Alamo on Vine? What hours were you working?

A. From nine in the morning until twelve midnight.

Q. How many days a week was that?

A. Six.

Q. Were any records kept of your hours of work?

(p. 6) A. No, sir.

Q. Were you paid any wages?

A. No, sir.

Q. Was anybody else with you when you were working at the clothing store?

A. Yes, sir, there were usually about anywhere from four to six men working there.

Q. Do you recall who they were?

A. Steven King, Marty Stanton, Chas. Williams, I'm trying to think. Richard Hydel, and I don't remember the other names.

After August, 1976, where were you located?

A. In Dyer, Arkansas.

Q. Why did you move from Saugus, California, to Dyer, Arkansas?

A. I was told to do so by the Alamos.

Q. What were you doing in Dyer, Arkansas?

A. First I worked at the Bandito, which is a clothing store and this was in Alma. I lived in Dyer, but worked in Alma at the clothing store.

Q. How far was Alma from Dyer?

A. Oh, I would guess maybe six, seven miles.

Q. And what hours did you work in the Bandito Clothing Store?

A. Well, a regular day would begin at nine and end at midnight, but every other day about I would have to spend the night there.

Q. Were any records kept of your hours of work when (p. 7) you were working at the Bandito—working at the clothing store?

A. No, sir.

Q. Were you paid any wages?

A. No, sir.

Q. Was anybody else working at the Bandito Store with you?

A. A man named Tom Huddnel.

Q. Was he also working an alternating schedule—staying over night every other night?

A. Yes, but now that I think about it, we sometimes—we couldn't do it every night. Sometimes we could get somebody to volunteer to do it for us, but not very often.

Q. Would it be as much as once a week?

A. That we had to stay there?

Q. No, would it be as much as once a month that you would get somebody to volunteer?

A. Yes.

Q. Would it be fair to say that you stayed at the Bandito Clothing Store every night for three nights a week?

A. Yes, I would say that is more than fair.

Q. How long did you work at the Bandito Clothing Store?

A. About a month, a month and a half.

Q. And what did you do after you worked in the Bandito Clothing Store?

A. I worked for Alamo Construction.

Q. How many days a week were you working for Alamo Construction?

(p. 8) A. Six, sometimes seven.

Q. And what were your hours of work at Alamo Construction?

A. Well, they varied, but usually about from around seven in the morning until maybe seven or 7:30. Whenever it got dark or whenever it was time to go to the evening prayer meeting.

Q. Were any records kept of your hours of work at Alamo Construction?

A. No, sir.

Q. Were you paid any wages when you worked at Alamo Construction?

A. No, sir.

Q. How many other people worked with you at Alamo Construction?

A. Oh, that's hard to say. Maybe 15, 20, maybe.

Q. Was anybody in charge of the work at Alamo Construction?

A. Well, not really. All the orders came from Tony, but he had a guy that was there. His job was kind of to report to Tony what was going on and to execute his orders after his responses to the problems. His name was Mike Borack.

Q. I beg your pardon, could you spell the last name?

A. I think it's B-o-r-a-c-k. I'm not sure.

Q. How long did you work of Alamo Construction?

A. About a year.

Q. What did you do after you worked for Alamo Construction?

(p. 9) A. About a year.

Q. What did you do after you worked for Alamo Construction?

A. I worked at the Alamo Kerr McGee.

Q. What were you doing at the Alamo Kerr McGee?

A. My job varied. Sometimes I just serviced the cars, checked the oil, pumped the gas, and then for a time I was running the cash register there.

Q. Where is the Alamo Kerr McGee located?

A. On the Highway 71 in Alma.

Q. Where is that in proximity to the Alamo Restaurant in Alma?

A. It's next to it. There is a parking lot that separates them.

Q. Where is that in proximity to the Bandito Clothing Store in Alma?

A. About a mile up the road.

Q. What were your hours of work when you were working at the Kerr McGee Service Station?

A. From about eight o'clock in the morning until around seven or 7:30, when the prayer meeting started, and then usually we would go back after the prayer meeting which would get out around ten, and then we would work until about twelve.

Q. How many hours a day was the service station open?

A. 24.

Q. Would anybody be attending the station when the prayer meeting was going on?

(p. 10) A. Yes.

Q. How many people would be in attendance when the service was going on?

A. Well, there were usually about four or five people pumping gas. Two guys at the cash register, and during the day, there was a mechanic in the lube bay, and I don't think there was one at night. I don't believe they had one at night, so in the day it would have been about eight people. At night about seven.

Q. Was there any reduction in the number of people at the station when the prayer services were going on?

A. No.

Q. Were any records kept of your hours at work at the Kerr McGee Station?

A. No, sir.

Q. Were you paid any wages when you worked there?

A. No, sir.

Q. How long did you work at the Kerr McGee Station?

A. I really don't remember. Maybe three, four months.

Q. What did you do after you worked at the Alamo Kerr McGee Service Station?

A. I began working at the Alamo of Nashville in Alma.

Q. What part were you at the Alamo Nashville in Alma?

A. It's a clothing store like they have in Nashville. Like the one on Vine Street in Hollywood.

Q. What were you doing in the clothing store?

A. I was a salesman.

(p. 11) Q. What were your hours of work at the clothing store?

A. From nine in the morning until midnight.

Q. Were any records kept of your hours of work?

A. No, sir.

Q. Were you paid any wages?

A. In a way. We got—let's see, we got credit that was good in any of the stores. For I think 10 percent of whatever. No, it wasn't 10 percent, I think it was five percent. For what we sold.

Q. I am not sure I understand how this works.

A. It is confusing. It's—I would make a sale, then write a little slip of paper out for five percent of that sale and that would go down as credit, and I could take that slip across the street to the grocery store and buy some hamburgers or something with it.

• • •

(p. 15) Q. Have you ever worked for Fort Smith Nursery?

A. Yes, I worked there for about a month.

(p. 16) Q. What did you do at Fort Smith Mobile Nursery?

A. I was just kind of a handyman. I helped out these other guys that kind of started the business for Tony. I just helped them, whatever they needed done.

Q. Who were those two people who worked for Tony Alamo?

A. Robert Testa and Gary Waller.

Q. Did you ever do any landscaping for Fort Smith Nursery?

A. Yes.

Q. How long did that last?

A. About a month.

Q. You were working for Alamo Construction or Fort Smith Mobile Nursery?

A. Excuse me, I don't know the difference between the two. I'm sorry. I thought it was all Alamo Mobile Nursery.

Q. Have you ever heard the term Fort Smith Mobile Nursery?

A. No, sir, I never have.

Q. When you were working for the nursery, what hours were you working?

A. Well, it was—it varied. We would usually leave after breakfast, around maybe nine or so and work until dark.

Q. Were any records kept of your hours or work when you were working for the nursery?

A. Not that I know of. Unless Gary and Bob were keeping some private records. I don't know of any.

Q. Were you paid any wages when you were working for the nursery?

(p. 17) A. No, sir.

Q. How many days a week were you working for them?

A. Six.

Q. Would you say that lasted about a month?

A. Yes, sir.

Q. How many other people were working for the nursery when you were working for it?

A. Just Bob and Gary.

• • •

(p. 19) The Witness: May I say something. I just wanted to clarify something about the wages. Everybody got \$5 a week, sometimes. So, if that's important, I don't know.

Mr. Fitz: When you say, "they got \$5 a week," was this a work payment?

A. Yes.

Q. All right. Did all of the brothers and sisters get (p. 20) \$5 a week to your knowledge?

A. Well, most of them, but that was cut off because as punishment for things that people may have done wrong. They were fined and the only way we had to pay the fine was to get our \$5 a week, and some of the fines exceeded \$30,000.

Q. What sort of things would you be punished for?

A. Oh, just millions of things. Anything Tony decided was wrong. Saying the wrong thing to a customer, giving out too much information about the foundation that could be damaging, spilling gasoline on the ground if you worked there. Breaking something, getting in an automobile accident, anything.

Q. When something like that happened, what would the amount of the fine be?

A. It depended on whatever Tony said it was. It was arbitrary, there was no set thing.

Q. Can you give me any idea of what the range sometimes would be? For instance, you mentioned \$5 a week for wages.

A. Yeah, well, the fines would usually start at about 10 or \$20. They would go up. I have—I knew people that had fines up to \$30,000. At \$5 a week.

• • •

Cross-Examination

By Mr. Gean

(p. 23) Q. Why did you decide to become associated with the foundation?

A. Well, because at the time I was pretty worried about the world myself at the time, and this seemed to me to be some sort of an answer, I was also frightened by the prospect of being in hell for eternity.

Q. Were you on any type of drugs prior to your association with the foundation?

A. Yeah, I drank some, and I smoked some marijuana, and I tried LSD, I think three times.

Q. Was this one of the reasons for your becoming with the foundation for some type of rehabilitation?

A. No, sir, because I wasn't taking that many drugs. I mean I was just like all the other kids in those days, I was trying it once in a while. I wasn't a heavy user.

Q. What was your thoughts about becoming associated with the foundation? What was the purpose of your association?

(p. 24) A. To help educate the world about Christ. I felt that that was the answer, and I was told by the people in the foundation that the foundation was the only

way that I could spread that word. I saw it as the only answer for the world problems.

Q. I have gone through hopefully all the activity that you have been involved in with the foundation as far as working. Were you also required to read the Bible associated with the foundation?

A. Well, it wasn't a thing where somebody was standing over you. At first when I first joined, yes, you were required to read the Bible and pray at regular set times. But later on toward the end of my stay in the foundation, it was just a thing. There was so much work to do that you just did it whenever you had the time.

Q. Were you also encouraged to attend church service during your association?

A. Yeah, they had two, one in the morning and one at night. You were encouraged to attend at least one of them.

Q. Were these attendances encouraged after August, 1976?

A. You mean these—

Q. In other words, after August, '76 you were required or encouraged to attend service twice a day?

A. I was encouraged to, but not if it interfered with the job you were doing. That always came first.

Q. Had you attended church service?

A. Sometimes. But not on a regular basis, because (p. 25) many times I would be too busy. You see, the thing that you need to understand is that after you get through with your regular job, then they want you to go do some-

thing else connected with one of the other businesses. Sometimes when they are shorthanded and then at night, they want you to do a night watch for two hours, to watch the property. So it is nothing I can generalize on.

• • •

(p. 27) Q. When you traveled or—well strike that. Were your children's clothes, while you were associated with the foundation, provided by the foundation?

A. No, the kids who were clothed by the foundation were kind of, as my wife said, "rag muffins." They had old hand-me-down stuff. My parents and her parents sent us money and that's how we handled that.

• • •

(p. 28) Q. What was the purpose for your departure from the foundation? Why did you leave?

A. Because I began to believe that Tony and Susan were using religion as a means to make money and were hiding under the Bill of Rights. I thought we were all being used and in ways that were very harmful to us.

• • •

(p. 30) Q. How many hours a day go back to the beginning of 1976, how many hours a day did you spend in Bible reading?

A. At the most one hour.

Q. One hour a day?

A. At the very most.

Q. Okay, seven days a week?

A. I wouldn't say that, no.

Q. Six days?

A. I would say maybe three, four.

Q. Three days a week?

A. Yeah. It was just catch as catch can, you know.

Q. Church attendance? What were the times of the church meetings?

A. One in the morning. I believe it started at eight and then let out just whenever. They usually lasted an hour or an hour and a half, and then one at eight o'clock at night. And then a service, I think they had just one service on Sunday. No, two.

Q. After 1976, pardon me. On an average, after 1976, how many hours a week did you spend in church attendance?

A. Well, some weeks—are you counting the prayer (p. 31) meetings as church attendance?

Q. Yes.

A. Maybe six, seven hours a week.

Q. Six or seven hours a week?

A. Yeah, maybe.

Q. Are you including in that all the meetings that might be religious connected?

A. Yes.

Q. You stated—

A. But sometimes it would vary, because when Tony or Sue were in town, quite often what would have only lasted for an hour if we had been conducting it, for the service would last for sometimes five hours, even six. That didn't happen often, but sometimes it did. So the time spent would vary.

. . .

(p. 32) Q. You stated that you also not only worked for the Alamo of Nashville in Alma, but you also worked for a clothing store by the name of Bandito?

A. Yes.

Q. You stated you were on a five percent commission at the Alamo of Nashville in Alma?

A. It may have been less. It may have been one percent, I don't remember.

Q. What—but it was a percentage commission?

A. Yes.

Q. Were you also on a commission with the foundation on or while you worked at Bandito?

A. Yes, yes I was. Not the first time, I worked at the Bandito, but the second time.

Q. And that percentage was credited to your account at the other activities that the foundation carried on?

(p. 33) A. That's a way of putting it, yeah. That's as good as any I have heard, yeah.

. . .

Redirect Examination

By Mr. Fitz

(p. 34) Q. Have you ever—were you ever aware of anybody being brought into the foundation and being paid wages when a brother or sister wasn't capable or qualified of doing it?

A. Yes, sir, they had a cook at the restaurant. It happened on several occasions. I can't name them all, I was only vaguely familiar with what was going on, but I saw that happen, yes.

Q. Do you know whether or not those people were ever referred to as outside workers?

A. I don't know. I don't remember what we used to—if we even had a special name for them.

• • •

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

BEFORE:
HONORABLE WILLIAM R. OVERTON
UNITED STATES DISTRICT JUDGE

NO. 77-2183

RAYMOND J. DONOVAN
SECRETARY OF LABOR
UNITED STATES DEPARTMENT OF LABOR
Plaintiff

V.

TONY AND SUSAN ALAMO FOUNDATION,
TONY ALAMO, SUSAN ALAMO, AND
LARRY LAROUCHE
Defendants

TELEPHONE DEPOSITION OF DEBRA MALONE
Modesto, California

April 14, 1981

REPORTED BY AMY MANGES, #5296

APPEARANCES

For the Plaintiff:

Robert Fitz, Esquire
Office of the Solicitor
555 Griffin Square Building
Dallas, Texas 75202

For the Defendants:

Roy Gean III, Esquire
Gean, Gean & Gean
500 First American Building
Fort Smith, Arkansas 72901

DEBRA MALONE, being first duly sworn by the
Reporter-Notary, testified as follows:

Direct Examination

By Mr. Fitz

. . .

(p. 4) Q. The period that we are interested in is only the period from January 1st, 1976 to the present time. So could you please tell me what you were doing with the foundation in January, 1976?

A. I believe I was working in the sewing room there in Saugus.

Q. I'm sorry, I couldn't hear the last portion of your answer, you said the sewing room?

A. In Saugus, Saugus, California.

Q. What was the sewing room?

A. It was a place where a lot of the girls worked, sewing, making special order outfits for the Alamo of Nashville, and we kept the stores supplied with different

(p. 5) types of western wear, and we — that's what was our main job.

Q. Where was Alamo of Nashville located?

A. At that time it was located in Nashville, Tennessee.

Q. What were your hours of work at the sewing room in California?

A. From there, about ten o'clock in the morning until about midnight or one o'clock in the morning.

Q. Were any records kept of your hours of work when you were working in the sewing room?

A. No, there were none.

Q. Were you paid any wages?

A. No, we weren't.

Q. How many days a week did you work in the sewing room?

A. We worked six days a week and sometimes we worked on Sundays.

Q. Would that happen very often when you would work on Sundays?

A. No.

Q. Would it happen once a month?

A. Maybe once every month and a half, two months. If there was some special order outfit that we would have to get out, then we would come in on Sunday and work.

Q. How many people worked in the sewing room in Saugus, California?

A. I would say about 15, 20 people.

Q. Did they all work the same hours that you did?

A. Pretty much so, yes.

• • •

(p. 6) Q. Then, in August, 1978, you moved from Saugus, California to Dyer or Alma, Arkansas?

A. August of '76.

Q. '76?

A. Yes.

Q. What did you do after you got to Arkansas for the (p. 7) foundation?

A. Well, for the first month or so, I worked as a waitress in the restaurant, because the sewing room hadn't — they didn't have it going. It was — people weren't working in the sewing room at that time.

Q. When you were working as a waitress in the restaurant, do you recall how many hours a day that restaurant was opened?

A. It's open 24 hours a day.

Q. What period of time did you work — I mean what hours of the day did you work there?

A. Well, it fluctuated from about eleven o'clock in the morning until about six o'clock in the evening, and then they went on a schedule where they had everybody was working eight-hour shifts, because there was something going on with the labor department. Tony and Sue wanted

to make sure that everybody was only working eight hour shifts, and so we all went on a schedule where we were working three or four days a week on an eight-hour shift.

Q. Were you instructed to move from Saugus, California to Arkansas?

A. Yes, we were.

Q. Who instructed you to make the move?

A. Well, Tony and Sue had called the office and there was some other people that went out with us at the same time, and we were instructed to get all of our things together, because we were going to leave the next day for Alma or Dyer.

Q. When you got to Alma or Dyer, Arkansas, were you instructed to go to work in the Alamo Restaurant there?

(p. 8) A. Yes, I was.

Q. Who instructed you to do that?

A. I believe Susie had told Kathy Wylie at that time that myself and the other girls that had come out with us were to work in the restaurant.

Q. When you worked on eleven a.m. to six p.m. schedule on an eight-hour schedule, who instructed you to do that?

A. Well, at that time Kathy Wylie was kind of like right under Susie, and all that kind of information, it would come about working in the restaurant or the businesses. It mostly came—well, it came directly from Susie, I would say.

Q. How long did you work the eleven a.m. to six p.m. shift in the restaurant?

A. I would say I worked that shift for about two weeks and then it moved to the afternoon shift to where I would come in at about three o'clock in the afternoon and work until eleven at night. And that went on for about I would say, a couple of months. And then they moved the shifts around again. They alternated them.

Q. Were any records kept of the hours that you worked in the restaurant to your knowledge?

A. No, not to my knowledge.

Q. Were you paid wages when you worked in the restaurant?

A. No, I wasn't paid any wages. I would say about six months before we left in 1978, was when we started getting \$5 a week. I think it was about that time.

Q. How was that paid? Was it paid in cash or check?

(p. 9) A. It was paid in cash.

Q. How long did you work in the restaurant in Alma, Arkansas?

A. I worked off and on for about two years.

Q. How many people worked with you on that first two-week period when you were working eleven a.m. to six p.m.?

A. There was—let's see, I would say there was about eight or nine of us.

Q. How many days a week was that?

A. That was six days a week and then on Sundays we would work half day.

Q. Sorry, I didn't hear you on Sundays you would do what?

A. On Sunday we would generally work half a day. We would split up the shift so people could go to the service on Sunday afternoon.

Q. After you switched to an eight-hour shift and were working the three to eleven shift, how many other people were working with you?

A. There was—I believe there was four or five people on each shift.

Q. And how many days a week did you work then?

A. I worked three days a—wait a minute. It was three days a week and one shift on Sunday. Part of a shift. They would, you know, split them up so people could go to service.

Q. What would you do the other three days a week?

A. Well, I always worked in the sewing room, even on (p. 10) the days that I worked as a waitress. The days that I didn't work as a waitress, I worked full time in the sewing room. And then on days that I did waitress, the first part of the day before I had to go to the restaurant. I would—I would work in the sewing room.

Q. How many others were working in the sewing room with you?

A. Oh, let me think. I would say there was somewhere between 12 and 15 people.

Q. What time did the people start working in the sewing room?

A. About ten o'clock in the morning.

Q. How late did they work in the evening?

A. Well, generally it was just until about six o'clock, because most of the girls would go to the prayer meeting in the evening, but there were several occasions when certain people would have to stay behind and stay until like maybe twelve o'clock or one o'clock in the morning and finish a special order. Or on occasion we had to stay up all night to finish something that we were making for Susie. Something that she wanted, like the next day. So we had to stay up and make sure that it got finished.

Q. How frequently would the people in the sewing room have to work all night long, all through the night?

A. I would say that it happened maybe once every two months.

Q. How frequently would they have to work, say as late as twelve midnight?

(p. 11) A. Maybe once a month or once every two months, it varied.

Q. How many days a week did the people work in the sewing room?

A. Six days a week, and sometimes on Sunday if there was something that just had to be put out and done by Monday. We — some people would come in and sew on Sundays.

Q. How often would people have to work in the sewing room on Sundays?

A. Maybe once every three or four months.

Q. Were any records kept of the hours that you worked in the sewing room?

A. No, there were none.

Q. Were any wages paid to the workers in the sewing room?

A. No. They got the general \$5 a week like everybody else, but they had no — they didn't get paid any more for their work or anything like that.

Q. Did you work in any other businesses of the foundation in Dyer or Alma, Arkansas other than the sewing room and the restaurant?

A. No, I didn't.

Mr. Fitz: All right, I don't believe I have — no, wait a minute. I do have a couple of questions for you.

Q. Have you ever heard the term, "overseer," used in connection with the foundation?

A. Oh, yes.

Q. What does this term, overseer, mean to you?

(p. 12) A. Well, an overseer, like John had said in the beginning, was a person which they were very few of, who were very close to Tony and Sue, who made sure that everything ran right. And that everybody was doing what they should be doing and, you know. That kind of thing. And there were very few overseers, and as time went on, the overseers, they kind of did away with them.

They made everybody an overseer, so not just — there was just a few, but there was still the few people that were right below Tony and Sue that had some kind of power or say in what the people in the foundation were doing. You know, they would report right to Tony and Sue. They were kind of like almost like spies for Tony and Sue. To make sure that the congregation was doing what they were supposed to be doing.

• • •

Cross-Examination

By Mr. Gean

(p. 13) Q. Were the older brothers and sisters the same as overseers?

A. Yeah, kind of.

Q. Were they considered spies for Tony and Susan?

A. Well, people in the foundation wouldn't consider themselves as spies. They were people that were looking out for your soul to make sure that you were, you know, doing your job the right way. Or, you know, kind of like watching out for you. That's the way it was in the beginning. Later on just before we left, people that were like older brothers and sisters were in charge of running the different businesses. Making sure that Tony and Sue knew what was going on in the businesses. They took care of financial transactions, that kind of thing.

• • •

(p. 14) Q. When did you first become aware of this lawsuit filed by the Secretary of Labor against the Tony and Susan Alamo Foundation?

A. Well, we had received some questionnaires from the Department of Labor. I believe that was earlier this year, if I remember right, or the last part. Some time within the last year, I can't remember exactly when that was.

Q. Prior to your receipt of this questionnaire from the Secretary of Labor, had you contacted the Department of Labor or government agency or any other government agency concerning the matters that we are discussing here today?

A. I personally didn't, no.

Q. Had you contacted anybody about these matters hoping for some type of relief?

A. No. I personally haven't done any of that.

• • •

(p. 17) A. When you had time you read the Bible, yes. After a while it got to the point to where I didn't do that much Bible reading, because you get tired working all the time, and it was hard to sit down and actually read, because a lot of times you would be so tired that you would actually fall asleep. So you didn't get that much Bible reading in.

Q. Were you encouraged to read the Bible?

A. Well, yeah, they like you to. They talked about it, but for the most part myself and a lot of the other people that I knew, you didn't really have that much time to read the Bible, because like I say you were always working or you were always doing something.

• • •

(p. 19) Q. Can you relate to me any other medical treatments that your children received while you and your husband were associated with the foundation?

A. Let's see, yes. Our first son, Ralph, when we were still living in Los Angeles had gotten one series of what was — of vaccinations, you know, DPT and polio, but that came to a stop, because they were — it got stopped for some reason, you were supposed to have tuberculosis tests during some part of the series that they give little children. And Susie didn't want them to get tuberculosis tests, because she was afraid that maybe somebody's test would come out positive and there would be a big scandal about the foundation. So, they stopped doing it completely. That was not paid by the foundation, it was done at a public clinic in Van Nuys.

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

BEFORE:
HONORABLE WILLIAM R. OVERTON
UNITED STATES DISTRICT JUDGE

NO. 77-2183

RAYMOND J. DONOVAN
SECRETARY OF LABOR
UNITED STATES DEPARTMENT OF LABOR
Plaintiff

V.

TONY AND SUSAN ALAMO FOUNDATION,
TONY ALAMO, SUSAN ALAMO, AND
LARRY LAROUCHE
Defendants

TELEPHONE DEPOSITION OF
LANE LOUISE PETRI
Tucson, Arizona

April 14, 1981

REPORTED BY LINDA K. CENERINO
(Reporter/Notary)

APPEARANCES

For the Plaintiff:

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Dallas, Texas 75202

For the Defendants:

Roy Gean III, Esquire
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Fort Smith, Arkansas 72901

Lane Louise Petri, having been first duly sworn to state the truth, the whole truth and nothing but the truth, testified on her oath as follows:

Direct Examination

By Mr. Fitz

• • •

(p. 8) Q. What were you doing for the Foundation during the last three months you were with it?

A. Okay. The last three months that I was with the Foundation I was what is termed a refugee. And this meant that I was living in the Foundation with an overseer and was being constantly watched so that my parents could not come and take me out. So I was not out in the community at all. I was — stayed mostly at the apartments and occasionally went up to (p. 9) their church.

And my job at that time was doing office work. And also, I was one of four sisters who compiled a master index of resumes which was filled out — a resume was filled out by almost all of the followers in the Foundation at that time. The resumes listed all the job experiences that each of the followers did before they came to the Foundation.

And on the resume they listed their job title, then they named — the length of their experience, and then they had their name on it and also the type of experience. For example, if the job title was Cook, they classified it as Restaurant Cook or Short-Order Cook. And then they rated themselves, if they thought they were excellent, good, fair, or poor at the job. And at the time it was explained to me that this was made to help Tony and Sue place brothers and sisters in Foundation jobs.

Q. You mentioned an overseer figure. Who was this overseer? Do you recall?

A. The overseer that watched me?

Q. Yes.

A. Vickie Larison. She watched me just before I was taken out. I was watched by numerous overseers before that.

Q. Did the overseers do anything other than just watch the brothers or sisters of the Foundation they thought might be taken out?

(p. 10) A. Yes. Overseers had specific job capacities in the Foundation. It was grouped according to brothers, and then sisters had other duties. Brother overseers in general were Foundation phone answerers. Members just couldn't pick up and answer a phone if it rang. There was also an overseer assigned to each living quarter, either a dorm or a house, and then, overseers where we're called baby Christian watchers. They were assigned to new members of the Foundation. And that was a 24-hour job. And they would indoctrinate the people in during their first three months in the Foundation. And then, there were also

older Christian watchers that people that had been members more than three months in the Foundation, the overseers could discipline them and make sure they did their jobs and all and would interact with them. And those were general duties.

And then, specific duties, if a brother overseer was assigned to a kitchen, he was called kitchen overseer, and he was a crew leader of brother workers. And there was also — a kitchen worker could be a dispatcher. And this would organize the food that was sent to the different Foundations. A kitchen overseer would direct all the kitchen operations. And that was basically a 24-hour job responsibility. And they would work in the produce area to organize the produce that came in and dispatch it. And they also worked as cooks and they were assigned by Tony and Sue. And (p. 11) there also were work crew cooks, like if a group, a busload of brothers and sisters, went to Bakersfield, a kitchen overseer was assigned to that duty. Then there was also a donation overseer. And this is when people would donate either clothing articles or any other type of donation to the Foundation that would be distributed to the members, the brothers or sisters would sort and distribute this. Then there were guest overseers. And the brothers would contact the men, and they were called guest talkers. And then, there were guest vehicle drivers and riders. And they were also the guest overseer and the talkers. Then there were witnessing overseers, and they would schedule crews to go down to Los Angeles or Santa Monica to pass out the Foundation literature on the street and to invite people to come. And they would also organize what was called a pair-off or what brother — or group of two brothers would go together on the streets to do the literature distribution. And then, there was office over-

seer. And this was also a 24-hour assignment job that the brothers would work with the finance and banking of the Foundation. They would answer the phone up there and carry on correspondence with Tony and Sue if they weren't in Saugus. And this would be over the phone. They did bookkeeping, also, and kept records of receipts and check stubs and — for tax purposes.

Q. Of the approximate 300 brothers and sisters (p. 12) associated with the Foundation, how many of them were overseers?

A. Okay. In the last three months more and more brothers and sisters were being appointed overseers because of the expansion in jobs and more — they needed to take on more responsibilities. I don't have the number with me, however, on the name list I starred as many of the people as I was absolutely sure were overseers in the last three months I was there.

Q. Okay. Is that the document you've marked as Petri Exhibit 1?

A. Exhibit 1, yes.

Q. Okay.

A. Okay. Then I'll continue on overseer duties. Then, after the office overseer, there was mail overseer. And this was brothers or sisters that the Church or Tony and Sue said would get the mail that would come in to the congregation and they would pass them out at daily mail call. And they would also handle packages that came in or out of the Foundation. And then, there was a church overseer, which was another 24-hour job, where they would be at the church for 24 hours in Saugus and they would answer the phone there, take outside and inside calls and

calls from Tony and Sue. There were also guest overseers that at non-service times if people came to the Foundation they would greet and talk with them. (p. 13) They handled donation receipts. They handled litigation papers or entry cards that — when people would move into the Foundation, they would sign these as release of responsibility and a record that they came. They also made up prayer lists and they arranged transportation of the Foundation. They did what was called the service line-up. They would organize the Sunday and evening services at the Foundation as to who would be the singer or who would give their testimonies. And they would also run the recording and the speaker system of the church. And they would play tapes or reading Bible over the tape recorder or play music. That's pretty much the brother overseers. And some brothers would be assigned to more than one overseer duty, like a church — the church overseer could also be the donation overseer.

Okay. And then, the sisters there, they also had basic — every sister overseer could answer a phone at the Foundations or where they lived, and there was an overseer at each house or apartment. And they again were baby Christian watchers and older Christian watchers. And those were 24-hour jobs. Then, they also worked in the kitchen, and they were sister crew leaders. They led the women who did the work. And they — one of the sisters was a food dispatcher and another would work in the produce area as an overseer. And then, one was a kitchen overseer cook. And also, some were cooks at the Foundations other than the church. And then, (p. 14) there were work crew cooks. And again, those sisters were donation overseers for sister — or women's articles that would come into

the Foundation. This would be clothes, cosmetics, et cetera. And again, the sisters were guest overseers for women only. They would talk to people who came to the church and tell them about the organization. And they were guest vehicle riders. They were again called guest talkers to go back down to Los Angeles with the people who visited. They were also witnessing overseers who would lead a pair of sisters on passing out literature on the street. And they were baby Christian trainers and they helped schedule the women's witnessing crews. Also, there were women or sister office overseers who handled mailing. It was a bulk mailing correspondence that the Foundation did. And they also handled typing and filing jobs in the office at Tony and Sue's house. And then, there were also mail overseers to distribute the sisters' mail if they weren't present at mail call. And that's the basic overseer duties that I could remember. Again, with the sisters, there was an overlap of — they might have more than one duty as an overseer.

Q. Alright. You mentioned that four sisters worked on the resumes. Could you please give us their names?

A. Okay. I was one of the four. And the other — I can't recall them all, but one was Jeannie Puckett. And I'm not sure of the other two.

(p. 15) Q. Were you aware of the different businesses that the Tony and Susan Alamo Foundation owned or operated in California when you were there in 1976?

A. Yes.

Q. Would you please tell us what businesses these were?

A. Okay. The public businesses included a laundromat, where — and that was in the town of Saugus. It was in the Saugus area. And that was open during the daylight hours for public use. And then, at night it was attended by — they were called property watchers, or brothers that would stay there overnight to watch — to watch the place as kind of like security.

And then, also, at night it was used by the Foundation sisters who would do laundry for different Foundations. They would collect it all and go there and wash and sort. And then, there was the — just one moment.

Okay. There was — just before I left, they opened Alamo Construction Company. The office was a brother's apartment, and he had just become a licensed contractor and set up the company. His card gave his home address as the company address. And instead of calling his home an apartment, the card called it a suite. And all of his business dealings were not done in his home, but over the phone, which was in the kitchen at the apartment complex. There was a pay phone. (p. 16) Or else, he would do the dealings in person. The house officer at Tony and Sue's home in Saugus typed his letters and records. And I typed several of his business letters, so that's how I knew that this was going on.

Q. Do you recall the name of the person that was doing business as Alamo Construction in Saugus, California?

A. Yes, his name was Pat Jones.

Q. I'm sorry. I didn't hear the last name.

A. Jones, J-o-n-e-s.

Q. Were there any other businesses in California?

A. Yes. One moment.

Okay. There was Susan's Interiors, and that was down, I believe, on Hollywood and Vine in Hollywood. And then, there was an electronic repair shop. And that was also down in Hollywood. There was an Alamo on Vine that was a clothing store, but that was closed before the dates that you are asking about. And then, there were the Arkansas businesses, the — well, the Alamo of Nashville in Tennessee, and then the restaurant, The Alamo.

Q. Do you know whether or not there was a sewing room in California?

A. Yes, there was. That was — it was called Foundation Property Number 9. And the sewing room and nursery, child care nursery, were housed in the same building. And the sewing room was a very, very active place when I was there. (p. 17) Sisters would sew starting usually after services or prayer meetings in the morning, 10:00 o'clock or so, and they would sew all afternoon and evening and late into the night and sometimes into the early morning hours. And this would be sewing clothes to send to Arkansas to their Nashville clothing store. And I know, too, that there were jobs in the Foundation for brothers and sisters, and they were called purchasers, and they would go down to Los Angeles and buy goods like at warehouses and things for the sewing room to get those at discount and buy them in bulk. And that's where they got their sewing machines and all, and would bring those back to Saugus. And I don't know if they shipped them because they had trucking between Saugus and Arkansas because I believe they also opened a sewing room in Arkansas.

Q. Do you know if there was an Exxon service station owned and operated by the Foundation in Saugus when you were there in '76?

A. I believe it had been closed at that time. I could be wrong. There was one operating when I was in the Foundation, but I believe in '76 it was closed.

Q. When you were with the Foundation in Saugus, California in 1976, did any of the brothers and sisters work in agricultural type businesses, for instance, in fields or nurseries or —

A. The sisters did not, and I cannot remember if (p. 18) busloads of brothers went up in '76. I know prior to that both brothers and sisters did work up in Bakersfield in the Wasco area.

Q. Do you know how many of the sisters worked in the sewing room when you were there in '76?

A. Okay. One moment.

I can't give a definite number; however, I would say the majority of the sisters that — I would say over half of the sisters were sewers. That was the largest weight — you know, the most amount of sisters were employed in the Foundation as sewers.

. . .

(p. 19) Q. When you were working during the last three months you were with the Foundation in 1976 preparing resumes, how many hours a day were you working?

A. I would say—what I did with the resumes was make a master list, so I was going over every resume that was turned in and classifying it, categorizing, like com-

piling all the people that had worked as a cook or all the people who had worked as plumbers, and then subclassifying them. And, you know, I can't remember the exact hours of the day, but I would put in at least eight hours, if not more, because—

Q. How many days a week was that?

A. I would say five to six days.

Q. Do you know if any records were kept of your hours of work?

A. No, no records at all.

Q. Do you know if any records were kept of the hours of work of the other brothers and sisters that were doing Foundation work?

A. No. We punched no time clocks. There was, you know, no job contract that—you know, and, no, we just worked until the job was done. And that might be—it was (p. 20) usually more than eight hours. Tony and Sue had told the public and told us to tell the public that we would get at least six to eight hours sleep a night, but I seem to remember that that lasted for a short while. And then, those last three months I was in, people were getting less and less sleep because they were working, you know, the day and into the late—into the night because the jobs were expanding so fast and people were moving around, filling in jobs and—

Q. Were you paid any wages during the last three months you were with the Foundation?

A. No, no wages.

Q. To your knowledge, were any other members of the Foundation paid any wages?

A. Not to my knowledge, no.

Q. You described some of the brothers that were working in the Foundation construction jobs and some of the sisters that were working in the Foundation sewing room. And then, you've also described the people from the Foundation that were witnessing on the street.

A. Right.

Q. Can you give me any sort of breakdown as to how many people with the Foundation, brothers and sisters, were working in the different businesses of the Foundation as opposed to how many were witnessing on the street for the Foundation?

(p. 21) A. Okay. Okay. The original emphasis of the Foundation when it started was the witnessing. However, as time went on and the Foundation grew and there were more and more businesses, there was less and less witnessing and there was, to my knowledge, absolutely none in California in the last three months when I was there, none organized. You know, maybe it was casual in talking to people. But I also know that—that we were called—well, that the main aspects of the Christian Foundation life were Bible, prayer, fasting, witnessing, and work. And I would say the major portion of those different aspects was work. At first, you know, before '75, it was—way back in the early '70's it was witnessing but it became more and more work as time went on.

And another thing, too, is that I was led to believe when I was in there that we were shareholders in their non-profit California corporation and that if we signed all of our checks and cash over to the Foundation—and that would include any property, like our cars, furniture,

our personal goods, and plus all of our time and our work and our efforts—that, you know, we were supporting the work of God and supporting the Church work. But, in reality, you know, when I got out I realized that the only share we had was to work for and to maintain and to live in Tony's and Sue's properties and businesses. And so, that—you know, they were making quite a profit off of us and we were getting no salary, benefits, or (p. 22) rights.

And then, another thing, too, that when I left I lost, you know, anything they had promised in the Foundation, whether that would be as a shareholder and even, according to them, I, you know, lost my faith or my salvation. And I don't agree with that, but that's what they—that's what they would say. And it was a real rip-off.

Another thing, too, is that the Christian part of the title I noticed in 1975 was dropped in many of the business dealings. Instead of calling it the Tony and Susan Alamo Christian Foundation, they would call it the Alamo Foundation. It was just getting less and less emphasis, anyway, in the business dealings with the Christian aspect of the group.

. . .

Cross-Examination

By Mr. Gean

(p. 24) Q. Have you made any efforts prior to your contact with the Secretary of Labor to collect what wages you allege are due you?

A. No.

. . .

(p. 25) Q. Why did you decide to become associated with the Foundation?

A. I had read their literature, that one tract I received. And then, I had called them to visit their services. I went up and was approached by their members and was invited to join the group by the members and very strongly encouraged to do so. It was more or less spiritually a life-or-death matter to join them.

Q. I'm sorry. Would you mind repeating that again about your life sentence, please?

A. Okay. I was fairly strongly encouraged to join (p. 26) their group, and it was—well, I was—we were—from the very start I could say that I was instilled with fear and guilt that if I didn't join them I was—would like lose salvation or not be serving God a hundred percent. They just had a lot of cliches. And at that time I was wanting to serve, you know, to serve God. And so, I decided to join their group.

Q. Are you affiliated with any religious foundation now, Miss Petri?

A. No, I am not. However, my basic Christian beliefs are intact and I—if anything, my faith is stronger. See, like when you leave the group, they say that you lose your salvation and that you're a backslider and that you're a traitor or a Judas and that—

Q. Do you have the names of the individuals that told you that?

A. Well, I can't give specific names. However, my entire stay there, it was said over and over to all the members, and Tony and Sue would say it to the members,

that people that would leave were traitors and that members would say among themselves that if you left something bad physically would happen to you such as an injury or a death, and definitely spiritually you would probably burn in hell. And so, they held us with very strong psychological holds, and that was physically restraining, too. So I could not have left the (p. 27) Foundation on my own. I was afraid to.

Q. Well, again, explain how you did leave the Foundation.

A. I was rescued by my parents through a conservatorship. And they came in with legal papers to take me out to allow me time to evaluate what I was into because I couldn't think for myself in the group.

Q. Was the conservatorship a court proceeding?

A. Yes, it—for my parents it was a court proceeding and for myself.

Q. Out of which county?

A. Los Angeles.

Q. Where the conservatorship was filed or proceedings—

A. It was the County of Los Angeles.

Q. Are you under a physician's care at this time?

A. No. When I came out I went through a deprogramming process, and it wasn't anything like they told us in the Foundation. They made us very fearful of deprogramming in the Foundation and they told us that deprogramming was to take our faith away and that it would

physically harm us and spiritually destroy us. And that didn't happen at all.

Q. Could you tell me the names of the people who said that, please?

A. It was said—okay. Specific names I can't say. (p. 28) However, it was implied in the literature that Tony and Sue sent out in their bulk mailings and it was a general Foundation belief within the Foundation. However, they probably would deny it if you questioned them specifically.

. . .

(p. 29) Q. How often were you required to attend church?

A. Okay. The church services were usually nightly and also twice on Sundays in the afternoon and evening, and they lasted for about an hour.

Q. So how many hours a week would you spend in church?

A. In church services?

Q. Uh-huh.

A. Most likely, eight hours.

Q. Eight hours a week?

A. Uh-huh.

(p. 30) Q. Were you also required to read the Bible?

A. Yes.

Q. And did you have a number of hours that you were required to do that?

A. At least an hour a day.

Q. So, in other words, seven hours a week?

A. Yes.

. . .

(p. 32) Q. Other than working in the sewing room and compiling resumes, did you have any other duties with the Foundation?

A. Well, again, the last three months I was there I was under—I was called a refugee and where I could work in the Foundation was limited. I was pretty much kept isolated, out of sight. So I spent most of my time at the apartments doing the resumes. Another place I had worked was up in the kitchen at the church.

Q. Do you remember who you worked with in the kitchen area?

A. Again, it was with the overseer.

Q. And that being Vickie Larison?

A. Right. In the kitchen I had also worked with—well, again, I can't specifically recall names. I was working around a lot of other brothers and sisters.

Q. Okay. Are you acquainted with a Mr. Richard T. Heydell?

A. Yes.

Q. Did you work with him at the Foundation?

A. I had—I had worked in the office at Tony and Sue's house. He would come in and out of that office.

• • •

(p. 38) Q. Did your parents ever come and visit you while you were associated with the Foundation?

A. Yes, they did.

Q. And do you remember the specific date, or if you don't remember the specific date, an approximate date of their visit?

A. Well, they came at Christmastime 1974. And that was—

Q. That was the only time they came and visited you?

A. No, they had visited me before that. And that was the last time that I saw them because Susan was afraid they were going to take me out.

• • •

Redirect Examination

By Mr. Fitz

(p. 40) Q. Miss Petri, you mentioned mandatory church services nightly. Was that in 1976?

A. What I remember is that everyone got so busy with Arkansas that they cut back on the church services. And also, I could go to very few church services unless I stayed back in the kitchen because I was being watched carefully.

• • •

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION
BEFORE:

HONORABLE WILLIAM R. OVERTON
UNITED STATES DISTRICT JUDGE

NO. 77-2183

RAYMOND J. DONOVAN
SECRETARY OF LABOR
UNITED STATES DEPARTMENT OF LABOR
Plaintiff

VS.

TONY AND SUSAN ALAMO FOUNDATION,
TONY ALAMO, SUSAN ALAMO, AND
LARRY LAROCHE
Defendants

TELEPHONE DEPOSITION OF LUCIEN C. CLAUDE
Sacramento, California

May 11, 1981

REPORTED BY JOANIE P. YAMASHITA, CSR 5199

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(Not Appearing)
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Fort Smith, Arkansas 72901

Direct Examination

By Mr. Fitz

• • •

(p. 10) Q. Were you paid anything at all for the work you did for the foundation?

A. Well, the work I did on the outside, you know, we used to call "work inner city".

If I was in charge of a job, I would get the checks and I would turn over the checks to the foundation. That's the only condition we could work anyway.

If I did work with some other crews, you know, I would not know or I would not see — I had nothing to do with the (p. 11) money that would come in. But it will go to the foundation and they kept track everyday on the money coming in.

Q. How would the check be made out when you received it and turned it over the foundation?

Would it be made to you personally or would it be made to the Tony and Susan Alamo Foundation?

A. Well, a lot of them were made out to me, if I was in charge of the job. Sometimes they were made out to the foundation.

Q. Would you — when you were in charge of your various crews, would you sign a contract to do the work or was it an oral condition of the materials and condition of the work?

A. It would be both cases. I have done just oral. I have done on making up some contracts. And when I work for some — did work for some other people of the foundation, I don't know all the time how they used to do it.

Q. When you signed contracts to do work for the foundation, would you — would the contract be between you, Mr. Claude, and the person you were contracting or would it be between the foundation and the persons that were contracting?

A. Generally, between me and the person. But this is the way that the foundation will work. Mr. Alamo didn't want no direct involvement with himself just in case there was trouble with whoever.

You know, if he tells us to pull off a job, we'll pull off immediately leaving everything as it is. And it would never be a problem for him.

(p. 12) Q. Did you use your own name or did you have a business name?

A. Well, my business name or the nickname is "Lou Claude" just to make it simpler on the spelling.

Q. I guess I really didn't make my question clear.

Did you use your name as Lou Claude Contractor or were you using a business name or trade name like

Claude Construction or Lou's Construction or something like that?

A. No, no. It would just be Lou Claude.

Q. When you received the checks for the work, would the checks for the work be given to you each day or when the job was completed?

A. Most case, we will get — this is instructions from Mr. Alamo. We will get deposit for materials, sometimes like half the total cost and completion. We'd get the final payment and then we turn the checks over to the foundation even for deposit for material; and then, we will put on the finance list — what Mr. Alamo called a finance list. It's a list of money that anybody needs going from material for a job all the way to a toothbrush for a baby, that will be put on that finance list.

And every night, the head of the office will get in touch with Mr. Alamo directly or sometimes give to another person that was with Mr. Alamo, and that finance list will end up going to Mr. Alamo. He will okay whichever expense that he felt was right or whatever; and then, the finance list will come back over the telephone; and, by the morning, we knew if the money we put on the finance list was okay to (p. 13) get. Then we will go to the office and get the money that we needed to spend.

Q. To your knowledge, were any of the people that worked on the crews you were in charge of, were they ever paid anything?

A. No, no.

Q. How many hours a day would they work on the job?

A. Well, I'd say about eight hours, seven to eight hours.

Q. How many days a week?

A. Six to seven.

Q. When you were in the foundation in California from January 1st, 1976 until the time you left it, how did the people that were associated with the foundation refer to themselves?

A. As foundation members.

We all understood that the foundation became rich and so that we were all rich. We were all part of the foundation.

It came to my understanding just before I left — a little bit before I left the foundation — that legally, we were — we didn't have no rights whatsoever belonging to the foundation and that the real owners legally were only Tony and Susan Alamo.

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BEFORE:
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UNITED STATES DISTRICT JUDGE

NO. 77-2183

RAYMOND J. DONOVAN
SECRETARY OF LABOR
UNITED STATES DEPARTMENT OF LABOR
Plaintiff

V.

TONY AND SUSAN ALAMO FOUNDATION,
TONY ALAMO, SUSAN ALAMO, AND
LARRY LAROCHE
Defendants

TELEPHONE DEPOSITION OF
WILLIAM J. BAXTER a/k/a BILLY BAXTER
New York, New York

May 12, 1981

REPORTED BY S & S REPORTING CO., INC.

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Direct Examination

By Mr. Fitz

• • •

(p. 16) Q. At the service station what was your job?

A. I pumped gas. I fixed truck tires. I fixed flats on cars. I did oil changes, not too regularly, though. I didn't like that too much, and I also did the books.

Q. Was any record made of your hours of work at the station?

A. I would think that the only hours that would be recorded would be, you know, the changing of a shift or something. I would sign my name or something to the log sheet of the day's business and how much we sold or, you know, how much we made that day and how it balanced out.

Q. Do you know what the daily sales were running when you were working at the DX station?

A. Not really. It wasn't a tremendous figure at all.

I would say a thousand dollars and for a gas station that is not much, but we did a lot of truck tires though, so that was a lot of our business, which was in the labor related things, not just in selling gas as a gas station. It didn't pump that much (p. 17) gas, because the prices were not as low as other stations in that area.

Q. How many hours were you working each day that you worked there?

A. It would all depend on if other people would work and I would say approximately, on an average basis probably around 12 hours a day.

Q. Did you have any regular time that you were expected to be there?

A. Yes.

Q. What was that?

A. At one point I was on a morning shift, so I guess it would be like 6:00 or 7:00 o'clock in the morning and at another time I would do a night shift or maybe I might come in at 4:00 o'clock in the afternoon and, you know, stay until midnight or afterwards.

Q. When you came in on the morning shift, how late were you expected to stay?

A. Usually until 6:00 o'clock or something like that, so I could, you know, be available to go to services that night.

Q. Were the other five employees that helped at the station keeping essentially the same (p. 18) hours or were they keeping different hours?

A. It would all depend on what other functions they had within the Foundation.

You know, somebody might have other duties, other than what his basic job was assigned, just like I did.

Q. Would it be fair to say that five employees on the average were at the station at any one time, during any one 24 hour day?

A. I would not know that five would be a correct number at any given point. There were slow parts during the day that only required two people.

Q. How frequently, or how much time would only two people be at the station?

A. It all depended on if other people would come in and pull their weight.

Q. Can you give me any idea, on the average, whether it would be two hours a day or six hours a day?

A. I would say an average three or four hours, maybe.

Q. Were any wages paid to any of the workers at the station?

A. No, they were not.

(p. 19) Q. Did you receive any wages when you worked at the DX station?

A. No, I did not.

Q. How long did you work at the DX station?

A. From October of 1975 to March of 1976.

Q. What did you do starting in March 1976?

A. It was requested by a brother, that I knew in Nashville, that I work at the clothing store that we had

recently opened in Arkansas called the Alamo of Nashville in Alma, and I worked there as a salesman again.

Q. Let me back up just a moment.

The DX service station, was anybody in charge of that service station?

A. I would say all of us were pretty much in charge of making sure that the place ran properly.

Q. If there were any questions, who would the workers at the service station look to to answer their question?

A. Concerning what?

Q. Well, concerning credits or concerning whether or not to order another consignment of gasoline?

A. Well, it would go on a list they would be given that night and read off, and Tony Alamo would (p. 20) okay or not okay certain financial things or personal needs that we had at the station.

Q. Going back to the Alamo of Nashville Clothing Store in Alma, Arkansas, what did you do there?

A. In Arkansas?

Q. Yes, in 1976 forward.

A. I was a salesman there, and I did the books there, ordered clothes and pretty much ran things for a period of time.

Q. Where were you ordering clothes from?

A. Different companies throughout the United States.

Q. How much of the clothing that was sold at the Alamo of Nashville Clothing Store in Alma, Arkansas was made by the foundation's sewing rooms?

A. I can't give you a percentage, but it was a fairly good amount, but nothing major, nothing like—it is not even 20 per cent, I would think.

• • •

(p. 21) Q. How long did you work at the Alamo of Nashville, in Alma?

A. From March of 1976 to October of 1976.

Q. Did you have any regular scheduled hours of work there?

A. Not really.

Q. Can you tell me what your general hours of work were?

A. Well, the store opened up at 9:00 o'clock in the morning and closed at 12:00 o'clock midnight, (p. 22) so depending on if I went to services at night or could get someone to take my place. Usually a long time, you know.

Q. If you could not get somebody to take your place for services, would you be there from 9:00 a.m. to 12:00 midnight?

A. It would be possible that I could be there that long or go off on some other job, but usually I worked—I put in long hours there.

Q. How many days a week was the store opened?

A. Six.

Q. Would you work there all six days a week when you were working there from March '76 to October '76?

A. It might be possible that I would work there all six days.

Q. Were any records kept of your hours of work at the store?

A. Again, the only hours that would be recorded would be those hours that would appear on documents that dealt with the business of the store for that particular day, so my name would appear on different sheets, or, you know, that I was there that (p. 23) day, because I would do the business at night.

Q. Did you punch a time clock or turn in a timecard showing that you put in nine hours or sixteen hours or anything like that?

A. No.

Q. Were you paid any wages when you worked at the clothing store in Alma?

A. No.

Q. Did anybody else work at the clothing store with you?

A. Yes.

Q. Do you know whether or not they were paid any wages?

A. No, I don't believe so.

Q. Were any records kept of their hours of work?

A. Again that would be the same situation with the daily business, that would appear on a log sheet.

Q. Did they work the same hours that you worked? Would they be there when the store was open from 9:00 a.m. to midnight or would they keep different hours?

A. They might keep different hours than I would. I might have worked longer hours than other (p. 24) people, because some people there had other functions in the Foundation, such as carpenters and masons and electricians and they had to be about that kind of business also, and not just be stationed in one particular place.

Q. How many people were working in the clothing store in Alma, at any one point in time, during the period from October '75 to March '76?

A. I would say three regular people and people that would volunteer.

Q. How many volunteers might you have at any one point in time? Would it be more than two or three or would it be just one?

A. Usually one and sometimes two.

Q. When you say regular people, what do you mean?

A. People that were—that their main job was in the running of the Alamo of Nashville in Alma.

• • •

(p. 25) Q. Did you have to report to anybody when you were working at the clothing store in Alma?

A. Report? Exactly what do you mean by that?

Q. To make a purchase, to fill out a purchase order for clothing coming in, did you have to report to Tony

Alamo or LaRouche or anybody else to determine whether or not that would be acceptable or did you have the ultimate authority to make purchases?

A. No, I did not have the authority to make purchases, however I would submit what I felt was needed by what we were running low on at the time, I would submit that to someone at the office in Dyer, who would inform Tony and Tony would make his judgement as to whether we needed it or not or how much of it we did need.

Q. After you no longer worked in the (p. 26) clothing store in October '76, what did you do?

A. I was transferred to the store in Nashville once again.

Q. Who transferred you?

A. I was requested—it was requested by the brothers in Nashville for me to go back out there and they asked Tony if I could go, that they needed someone, and there was a change in personnel at the time, and Tony—I never talked to Tony directly about it, but these brothers from Nashville, who came in to the store—who came into Arkansas asked Tony and he said okay if he wants to go tell him to go.

Q. How long were you in Nashville the second time when you went, in October '76?

A. From October of '76 to March of '77.

Q. How many other people were in the Nashville store, at the time that you were there?

A. Nine.

Q. What were you doing in the Nashville store?

A. I was a salesman, basically the same functions that I had had over the last year or more, doing the books, generally doing everything that needs to be done within a clothing store.

(p. 27) Q. What hours was the Nashville Clothing Store open when you were there, October '76 to March '77?

A. 9:00 o'clock in the morning until 2:00 o'clock in the morning.

Q. How many days a week was that?

A. Six.

Q. How many hours were you working at the store when you were there?

A. Again, it would all depend on what my functions were for that day. It might be that I might put in eight hours and then go back to where we lived and watch television or whatever.

I don't know. Sometimes I would put in very long days and other days I would not put in as long.

Sometimes I would—we did advertising there and we would go out in the early mornings and drop off our card in different hotels and restaurants, so that it would encourage people to come to our store by picking up the card, so I might do that on any particular day also.

Q. Would an average of ten hours a day, six days a week be a fair average?

(p. 28) A. That would be a fair average.

Q. Were any records kept of your time at work at the Nashville Clothing Store? That is, did you punch a

time clock or turn in a time card showing that you worked ten hours or nine hours or 12 hours?

A. No, I did not.

Q. Were you paid any wages when you worked at the Nashville store?

A. No, I was not.

Q. Do you know whether any of the other workers of the Nashville store turned in any records of their hours of work?

A. No, they did not.

Q. Were they paid any wages?

A. No, they were not.

Q. After March 1977, what did you do?

A. I returned to Arkansas once again, and went to work at another gas station, the Kerr McGee Station.

Q. When did you return to Arkansas?

A. I was transferred.

Q. Who transferred you?

What I am trying to find out is, did Tony Alamo or did somebody else in the Foundation (p. 29) directly order or request you to go from Nashville, Tennessee back to Alma, Arkansas or did you request the transfer and they approved it or did you just do it on your own?

A. No, I did not do it on my own.

Q. Okay.

Can you please tell me how it came to pass that you moved from Nashville, Tennessee to Alma, Arkansas in March 1977?

A. The events and circumstances are not exactly clear in my mind as to what transpired to bring me back out to Arkansas.

It was on the suggestion of another brother who felt that I was not doing a good job in Nashville and his suggestion was forwarded to Tony and Tony believed him more than me.

Q. Tony Alamo essentially had the say that you would come back to Alma; is that correct, or am I incorrect in that?

A. Yes, but when I originally went back out there, he asked me to take over the operation of a new store that we had opened called the Alamo Bandido, and that was my original—that was what he said for me to do. I don't know if it was a—in my (p. 30) mind it was a come down. It was a bring down from working in this very beautiful store in Nashville to come and work in the sticks again, but I went along with it.

Q. Now, you mentioned both the Alamo Bandido and also the Kerr McGee station.

Which one did you first go to work in when you returned to Alma, in March 1977?

A. The Bandido.

Q. How long did you work in the Bandido?

A. About a month and a half.

Q. Can you please tell us what the Bandido is?

A. It was a discount store that was there at that time. I don't know if it is still there. It sold discount shoes and a lot of very inexpensive clothes, so that the people in Arkansas who could not afford to come into the Alamo of Nashville could go there and be able to buy stuff that they could afford.

Q. What hours was the Alamo Bandido open when you worked there?

A. I believe it was 9:00 o'clock until 12:00 o'clock at night. 9:00 o'clock in the morning until 12:00 o'clock at night.

(p. 31) Q. How many people worked in the store with you during the period of time that you worked there?

A. I believe it was three.

Q. All three of the workers were there from 9:00 o'clock in the morning until 12:00 o'clock midnight?

A. No. It is the same general description that I have tried to convey about all of my experiences at work in different Foundation businesses, people coming and going and some working for periods of time and other people taking over if they felt they needed to come in and help out.

Q. Would there on an average be three people in the Alamo Bandido at any one point in time working there between 9:00 a.m. and 12:00 midnight when you were there?

A. Not necessarily. It might just be two people.

Q. Were any—first of all, let me ask you how many days a week this store was opened?

A. Six.

Q. Were any records kept of your hours of work when you were there such as a time clock or did you turn in a time card with your hours on it?

(p. 32) A. No.

Q. Were you paid any wages when you worked there?

A. No.

Q. Do you know if the other people that worked there turned in any record of their hours of work?

A. I do not know of that.

Q. Were they paid any wages?

A. No.

Q. Would it be fair to say that you worked on an average of 10 hours a day six days a week or is that too high or too low?

A. Well, in searching for averages, I guess that average would do.

. . .

(p. 38) Q. How many hours a day was the Kerr McGee Station opened?

A. Twenty-four.

Q. How many days a week?

A. Seven.

Q. Were there regular shifts there?

A. Yes.

Q. What were those shifts?

A. They were usually in, I would say ten hour shifts, including breaks and lunches, that's included in those hours.

Maybe twelve hours and perhaps if the place got busy enough one might find themselves there 15 hours, you know, if there was no one to take his place of it there was no one that was willing to volunteer to take someone's place, it could reach up to those hours at points.

Q. Did you have a regular shift when you worked there?

A. Yes.

Q. What was that shift?

A. Usually the morning shift that I had for (p. 39) a period of time, it would be 7:00 o'clock in the morning until 5:30 or something like that, and other times it would be 4:00 or 5:00 o'clock in the afternoon until 12:00 and then it might be 12:00 o'clock in the morning until 7:00 o'clock in the morning, you know, depending—you know, it was basically run in overlapping shifts, so that there was always enough people.

It's probably one of the busiest gas stations in that State.

Q. When you worked there were any records of the hours that the people worked there kept? That is, did they punch a time clock or turn in timecards?

A. No, but there might have been a sign-in sheet or a sign-out sheet, with times next to it, recording those hours.

I'm not sure if those really would be recording those hours or just when someone got there and left, in order that, if someone wanted to find you, they could call the gas station and say do you know where so-and-so is and they would say wait a minute, let me check the sign-out sheet and they would see that you had left and that your destination was so-and-so, so that you would be able to be contacted, (p. 40) no matter where you were at whatever hour of the day.

Q. Were any wages paid to the workers when you worked at the Kerr McGee Service Station?

A. No.

Q. What did you do after you worked at the Kerr McGee Station?

A. I went to work in a factory in Arkansas.

Q. What factory was this?

A. I worked at Planters Peanut Factory in Fort Smith, and that was unloading boxcars which was a lot harder than anything that I had experienced until that time and then I worked for a furniture factory in Arkansas, Ayers Furniture Factory.

Q. Could you spell Ayers?

A. A-Y-E-R-S.

Q. Were you still a member of the Foundation or associated with the Foundation, at this time?

A. Yes.

Q. How did you come to work at the Planters Peanuts or did you decide that you did not want to work at the Kerr McGee Station any more and just got out and—

A. No. I was transferred—I was not transferred to—I was just transferred out, I guess I (p. 41) was as close as the Foundation can come to being fired.

Q. Who transferred you out?

Would this be Tony Alamo, or at his direction or somebody else's direction?

A. Well, it might be on the recommendation from someone else to Tony Alamo, informing him of my shortcomings or their belief in my shortcomings and acting upon that advice, he would make his decision.

I mean, he did not have a crystal ball. He could not see everybody and exactly what was going on, so he had to rely on other people for information.

Q. How long did you work at Planters Peanuts?

A. I would say I worked there for two months.

Q. When did you start to work at Planters Peanuts and when did you leave?

A. As soon as I could get a better job I split.

Q. Do you remember the month that you went to work at Planters Peanuts? Would that have been in October?

A. It would have been October.

Q. And you worked there for two months, so (p. 42) you would have left December of '77, is that right or am I wrong on that?

A. I would say around that time, yes.

Q. And then when did you go to work for Ayers Furniture?

A. Directly following my termination of my job at Planters Peanuts, they would lay off people down there because there would be too many peanuts coming in and they did not have enough work for the rest of the line, it was an assembly-type of situation, even though I just unloaded peanuts off the box cars, so I think they laid me off for about a week, and within that period of time I realized that I should get something a little bit easier on my body.

Q. Were you drawing a paycheck, at this time?

A. Yes.

Q. What were you doing with your paycheck?

A. I was donating it to the Foundation.

Q. And then you went to work for Ayers Furniture?

A. In December 1977.

Q. How long did you work at Ayers Furniture?

A. I would say until the spring of '78.

(p. 43) Q. Were you drawing a paycheck from Ayers Furniture?

A. Yes, I was.

Q. What were you doing with the paycheck?

A. I was donating it to the Foundation.

Q. What did you do after you left Ayers Furniture?

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Cross-Examination

By Mr. Gean:

(p. 63) Q. Mr. Baxter, when did you first become aware of this lawsuit filed by the Secretary of Labor against the Foundation?

(p. 64) A. I first became aware of it while I was in Arkansas. I read the Arkansas Gazette, that someone from the Foundation had been asked to give a deposition in Little Rock as to the aspect of the businesses and wages and all of that business.

Q. That was the first time that you became aware of it?

A. Yes, that was the first time. I was still in the Foundation.

Q. After your departure from the Foundation, when did you first become connected with the lawsuit?

A. I was told by someone's parent, who is in the Foundation, that a lawsuit was proceeding and that, did I have any information that I could help out with.

Q. Did you contact the Department of Labor or any Government Agency concerning your association with the Foundation?

A. No.

Q. Not about your association with them?

A. My association has been being contacted by Mr. Fitz.

Q. When were you first contacted by Mr. Fitz?

(p. 65) A. I would say a year ago.

Q. Are you stating or making any assertion that the Foundation owes you wages?

A. No, I do not believe that the Foundation owes me anything other than a clean up their act and to realize that the times have changed and that if it be possible to pay wages, that they do that, or they make provision for the people that are in the Foundation that they do have something to fall back on, whether in or out of the Foundation.

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(p. 66) Q. Do you still adhere to the Christian belief, Mr. Baxter?

A. Yes.

Q. While at the Foundation, did you, during your stay there, did you consider yourself at any point during your stay with the Foundation rehabilitated from any problem that you might have?

A. I don't believe rehabilitation is the right word, because it congers up in people's mind that everybody in the Foundation was just a junkie and that's not the way it was. I was not just a junkie I was someone that went to California, many times, that hitchhiked across the country searching for God.

Q. Let me rephrase the question then.

Are you using drugs now?

A. No.

Q. Were you addicted to drugs prior to your departure from New York City, in August of 1972?

A. If I was not addicted I was as close as (p. 67) you could be.

Q. Do you feel like your stay with the Foundation assisted you in—I can't use the word rehabilitation, but —

A. Well, I would say that—yes, it did, to a certain degree, it most definitely did.

Q. While you were working at the DX Station, I believe you stated from October 1975 to March 1976, were you involved in any Bible readings?

A. Yes.

Q. Did you read each day?

A. I would like to admit that I did. I'm not sure if I read every day or—

Q. How many hours a week would you say that you spent in Bible reading?

A. At different points in my tenure at the Foundation it would be different amounts. I would say in the early days, and I'm talking about—

Q. While you were working at the DX.

A. At the DX?

Q. October '75 to March 1976.

A. I read the Bible a lot, I would say two and a half; three hours a day.

Q. Did you also attend church during that (p. 68) time, during your tenure while you were working at the DX between October 1975 to March 1976?

A. Yes.

Q. How many hours a week did you spend in service at the church?

A. Well, that would depend on if I was not working during a shift that a service would be going on at, but usually once a day, either in the morning, if I worked in the afternoon I would go to morning service which might take an hour or two hours, I know it depended on the way I was going, and you know, what we were trying to do in that service or at night it might last longer or sometimes the service might last 15 minutes, but most of the time I would say the services would last approximately an hour.

Q. Let's say on a weekly basis then, during this time of October through March, how many hours did you spend in church or in church related activities?

A. I'll tell you I consider my involvement with the Foundation in the businesses and in the preaching of the gospel to other people that were not part of the Foundation as one package.

Q. While you were working at these various (p. 69) activities that the Foundation conducts, whether it be at the DX or at the clothing store, did you witness to individuals that came to the stores?

A. Yes.

Q. Is that only a periodic basis or was it frequently done or was it always done?

A. I will put it to you like this.

It was done as the Spirit gave us utterance.

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(p. 70) Q. Were your meals provided for you while you were staying at the Foundation?

A. Yes.

Q. Did you eat three meals a day?

(p. 71) I know not every day, but I'm talking on a regular basis?

A. Yes.

Q. During your stay at the Foundation, which covers a span of approximately six years, I believe, did you receive any dental or medical treatment?

A. Yes.

Q. What type of treatment did you receive and when?

A. At one point I had a lot of dental problems in the Foundation.

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(p. 72) sent to a private dentist, who took care of my teeth.

Another time, later on in Arkansas, later on, within the next year, I was treated by a private dentist, also paid for—

Q. Who took care of the expenses on the latter two dental treatments that you just mentioned?

A. The Foundation.

Q. What type of dental treatment did you receive? Was it just cavities?

A. No, it was oral surgery.

Q. Was it gum related problems?

A. Yes.

Q. Was it a recessed gum problem?

A. Yes.

Q. Was there any grafting of tissue to rebuild the gums around your teeth?

Was that done?

A. No, I don't believe that was done at that time.

Q. Did you have any source of income outside of what the Foundation might have given you while you were associated with the Foundation?

A. At times I might have gotten, not an actual income, but my mother or father at different (p. 73) points, I would say maybe five times in six years might have sent me fifty bucks or 100 bucks at a time, something like that, but nothing that could go that far in this world.

Q. Did the Foundation provide you with clothing while you were there?

A. Yes.

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(p. 76) Q. You stated that you made some donations to the Foundation of your employment checks of Planters Peanuts in Ayers.

Was that the entire paycheck?

A. Yes.

Q. Where were you living at the time that you were working at Planters?

A. I was living in a place that we called the Courts.

Q. That was at the Foundation?

A. Yes.

Q. Were you eating your meals at the Foundation also?

A. Yes.

Q. And that was while you were employed at Planters and while you were employed at Ayers?

A. Yes.

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

BEFORE:
HONORABLE WILLIAM R. OVERTON
UNITED STATES DISTRICT JUDGE

NO. 77-2183

RAYMOND J. DONOVAN
SECRETARY OF LABOR
UNITED STATES DEPARTMENT OF LABOR
Plaintiff

V.

TONY AND SUSAN ALAMO FOUNDATION,
TONY ALAMO, SUSAN ALAMO, AND
LARRY LAROUCHE
Defendants

DEPOSITION OF JUDY SHAPIRO
Fort Smith, Arkansas

August 27, 1982

REPORTED BY CAROLYN TITSWORTH

APPEARANCES

For the Plaintiff:

Robert Fitz, Esquire
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Dallas, Texas 75202

For the Defendants:

Roy Gean III, Esquire
Gean, Gean & Gean
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Fort Smith, Arkansas 72901

Judy Shapiro, being first duly sworn upon oath, testified as follows:

Direct Examination

By Mr. Howell:

. . .

(p. 8) Q. Did you ever have to reimburse the Foundation for any of your medical benefits that the Foundation paid for?

A. Not mine, but my husband's.

Q. Could you explain exactly what you mean by that?

. . .

(p. 9) A. One time he was picking up a chicken box at the restaurant on his job, his back gave out and he couldn't move and he went to a chiropractor. The bill, I think, was \$144.00. He couldn't even move for at least two days and I wanted to stay with him, but I didn't. I had to go to my job. Later on, we were told we would have to pay back that money. The \$144.00 we were being fined. I couldn't understand because his back just gave out on him. It was an accident that happened to him and we had to pay back \$5.00 every week. I can't

remember the length of time. Then it was lifted and we didn't have to pay and we got more money for ourselves.

That's the only time.

Q. Mrs. Shapiro, when you were an associate of the Foundation were you ever provided any type of monetary allowance?

A. Yes.

Q. How much was it?

A. Different amounts at different times. One time it was \$20.00 each. \$20.00 for me and \$20.00 for my husband. It was \$40.00 for our house for the week. And at other times it was \$10.00 each. Most of the times it was \$5.00 each or \$10.00 each allowance.

Q. How would you receive the allowance?

A. On Sunday morning we would go wait in line for it at their office — at the Foundation office first in Dyer and then at the Ranch.

(p. 10) Q. Who would give you the money?

A. Different guys. Usually it was the same one or maybe two or three different ones and that was all.

Q. Do you have any idea why the money was provided to you?

A. For toothpaste, shampoo and stuff like that—incidentals—shampoo and toothpaste. If your children like—needed shoes or winter coats you would save your money up and use that.

Q. Did you ever have to reimburse the Foundation for any of the money?

A. No.

Q. Judy, you mentioned earlier in one of your answers about being fined. Could you describe that for us—tell us exactly what that was?

A. You mean give an example? Because we did get fined for something. We got food from the restaurant. It snowed about three years ago—when it snowed really heavily and we got food. We were at our apartment for over a month and my youngest daughter was just about a month old and the other one was about a year and a half. We had to stay in. The roads were too snowy. We had to stay with our children at the apartment. We would get food sent from the restaurant dispatched to the apartment building. We were told afterward that we shouldn't have done that. We should have used our own money to buy food for ourselves and the children.

(p. 11) So we got fined and instead of getting \$10.00 a week. My husband was involved in it too, so we got \$5.00 a week. As a result of that I lost a lot of weight. I suffered from it.

Q. On what basis were the funds provided—did you pick them up every week?

A. Every week.

Q. Mrs. Shapiro, you mentioned while you were at the Foundation you were provided food. Exactly what do you mean you were provided food?

A. They had a cafeteria and you go there for breakfast. You were there in the morning for breakfast and then you go to your job and then you could have lunch that was provided for you at lunchtime. Then at dinner you

would either eat dinner at your job or at the cafeteria. If your children were sick you stayed at home with your children and no food was provided for you. You had to use your money—your \$10.00 a week for food if the children were home sick or you were sick.

* * *

Cross-Examination

By Mr. Gean:

(p. 15) Q. You stated your husband had to reimburse the Foundation for a doctor's bill?

(p. 16) A. Yes.

Q. Where did he receive the money to reimburse the Foundation?

A. From the Foundation.

Q. Could you explain the procedure by which the Foundation took care of your medical bills that resulted from the birth of your children? Did you ever even see the bills?

A. No, because they went—that is, they were taken care of by the Foundation because I didn't have the money to pay for it.

* * *

(p. 16) Q. Were there any complications with any of those births?

A. Well, the first one, my oldest child, her heart beat started to slow down and they said "We are going to do a C-Section" and she was delivered by low forceps. She was almost too big for me to have without help. So she was delivered by low forceps.

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(p. 20) A. Yes. I have just thought of something. There was one complication when I was pregnant with my oldest daughter. I started to have bleeding when I was about six weeks along.

(p. 21) And I was rushed down—it took about two hours, but I was rushed down to White Memorial Emergency Center and I stayed in bed for nine days after that, but I was all right.

Q. Were you admitted to the hospital as an in-patient?

A. No, they just did some tests. So I was off my feet for nine days, but I did not get to go down there right away. I had to wait until I heard from Susan Alamo. I was in Saugus and she was in Arkansas. On that day at the Church on Sunday they were having difficulty with some member's mother who was there causing trouble. So I had to wait about two hours at my house.

Q. Did you ever see that medical bill?

A. No.

Q. The Foundation paid that also?

A. Yes.

(p. 26) Q. Did you ever shop at the grocery store?

A. Yes.

Q. The Alamo Grocery Store?

A. Yes.

(p. 27) Q. Did you pay the grocery store cash?

A. At one point, I think you got a discount. I didn't get up there that much because my husband worked right at the restaurant and he was the one who mainly did the purchasing from the grocery store.